Four Chilton County men accused of aiding Negro against police

CLANTON, Ala., Jan. 25—(AP)—A wealthy Chilton County business man and three other persons have been charged with interfering with the arrest of a Negro.

The business man, Ray W. Stremming, who operates a veneering plant at nearby Maplesville, also is charged with pulling a gun on Policeman W. M. Walker near Maplesville Monday night.

Sheriff J. L. Kendrick, of Chilton County said the others besides Stremming charged with interfering with the Negro's arrest were identified as Cecil Williams, Virgil Royster and Plato Chambers, all of Maplesville.

Walker said he arrested the Negro, Jesse B. Mitchell, for speeding through town. He said he caught him after a 12 to 13-mile chase and "on the way back Ray Stremming and three of his men stopped me by pulling one car up in front of me and the other behind.

"Stremming pulled a gun on me and demanded that the Negro be handed over," the officer related. "When I protested, Stremming waved the gun at me and said: 'I'll blow your damn brains out.'

"There were four of them, so I turned over the Negro and left with the gun still on me. I called the sheriff in Clanton and he and his men came over and arrested Stremming and his boys."

Stremming was unavailable for comment.

Walker said the Negro had been "hidden away" and his whereabouts still unknown to officers.

The trial of Stremming and the three men will be held in Chilton County Circuit Court, possibly in March, Sheriff Kendrick said.

THE WEEK'S

NEWS IN TABLOID...

By Cliff Mackay

Editor, AFRO-AMERICAN Newspapers

Wanted: One Davis Lee

THE OBJECT of a search by FBI agents is one Davis Lee, darling of the Dixiecrats, who at one time published a nondescript newspaper, The Telegram, in Newark, N.J., Brother Lee, no stranger to prison bars, of late has been making quite a name for himself in Dixie as a staunch believer in segregation and an ardent foe of Communism. This line of attack for the most part has been extremely profitable. But, according to I. H. Rhone, publisher of the Mobile, (Ala.) Informer, these collections were not enough. So Brother Lee wormed his way into the graces of Mr. Rhone, serving for a brief period as editor of the Informer.

Davis Lee

The alliance was short lived. It seems that Brother Lee moved on to richer pickings, leaving a big deficit to be paid by the sadder, but wiser Mr. Rhone. So an appeal has been made to the FBI to find the missing Davis Lee. If you see him, you can do I. H. Rhone a favor by passing the word along to him care of the Mobile Informer, Mobile, Ala.

Blind Man's 3 Assailants Sent to Pen

MONTGOMERY, Ala. — Three white ex-convicts were given prison sentences ranging from ten to sixteen years last Wednesday for the New Year's Day robbery and beating of a 50-year-old blind Birmingham Negro, Arthur Davis.

The case against a fourth was dismissed in Montgomery Circuit Court.

Pleading guilty to robbery were Wesley Parker Downs, 20, sentenced to sixteen years; Warrick Smith, 21, ten years, and Wallace Fryer, 34, fifteen years.

Poisoning Attempt Charged In Clarke

GROVE HILL, ALA., April 28—(AP)—Sheriff Jenkins Hill said Saturday night a Negro woman was in jail here charged with attempting to poison to death her white woman employer.

The Clarke County officer identified the employer as Mrs. Dellie Lattimore and the accused employe as Nellie Lou Chapman, about 45. He said the charge was brought after a report by Associate State Toxicologist Nelson Grubbs showed Mrs. Lattimore was suffering arsenic poisoning.

Sheriff Hill said Mrs. Lattimore was "resting comfortably" after having been treated by a private physician. She had been ill about two weeks.

The woman's condition was reported to the sheriff after the family pet dog died. Dr. R. M. Johnson, a veterinarian, had said the dog died of a "severe dose" of arsenic.

Sheriff Hill said the Negro woman will be charged with "putting arsenic in her employer's food." The sheriff said Mrs. Lattimore told him she ate breakfast about two hours before the dog died.

Sick Dad Is Backdrop For Prof $ Racket

SELMA, Ala. — A Snow Hill, Ala., school teacher was fined $600 and placed under three years probation in federal court here Wednesday on charges of using the mails to defraud.

The convicted man, W. J. Edwards, Jr., was alleged to have converted to his own use money received by letter appeals in behalf of his cancer-ridden father, W. J. Edwards, Sr.

Edwards was said to have obtained between $800 and $1,200 from some 400 to 500 letters which he sent out.

Edwards had lived in Ohio but returned to Snow Hill after his father was stricken with cancer.

"Shot At By Mistake"

Comes another unpleasant story about Birmingham in the alleged incident in which Prof. C. L. Reeves, principal of Westfield High School, was fired upon by police by mistake. The background of the reported shooting points up some important things.

Vice lords, racketeers, and crime-hatching illegal business operators are being courageously fought by police. The spoilers of society apparently have put up shop in respectable communities and seem to move around in the circles of quality people. Innocent people who hardly know the dual living of such questionable characters sometimes are victimized. This case under discussion probably does not fit into all the details mentioned.

Prof. Reeves, a captain of civil defense for the Smithfield area and a member of the Birmingham Interracial Committee of the Jefferson County Coordinating Council of Social Forces, was mistakenly fired upon Thursday evening, July 19 when he went to pick up his two sons. The house where he went was being raided by detectives who were running down lottery violators. The principal says that he did not know this. He did not know the residents were allegedly mixed up in the "policy slip" gambling business. The school principal was, the officers said, mistaken for a "pick up man" when he drove up in front of the house, tooted the horn of his car, the testimony in court disclosed. Mr. Reeves claims that he saw a white man coming out of the house wearing a sport shirt, with pistol in hand, and in fear, sped off in a hurry. Some shots were fired at him, which struck his car.

In City Court, Mr. Reeves was found guilty of failing to heed the command of a police officer and for reckless driving. The $15 fine and court cost were suspended and the City agreed to repair the damage done to the principal's automobile.

The questions which should be of wide public concern, it seems to us, are the circumstances of the shooting; the subsequent charges made against Mr. Reeves; and, the suspended punishment meted. Under what circumstances is a policeman justified in firing upon anyone? Could one technically or legally violate the command of a police officer when it is not clearly established that one had a reasonable opportunity to know that it was the police who gave the command?

Could it be said, in the light of the record, that a few policemen in Birmingham seem to pull their pistols too quickly; too fatally; too often; and, too unnecessarily? We hope that nothing like this can be truthfully said.

It is time for level-headed, decent-minded, justice-loving citizens on the local level to become concerned about such incidents.

A number of citizens are beginning to wonder whether they count for more in the eyesight of some than targets for bullets. This is not the view of this newspaper but it is becoming so strong among influential leaders that we feel it is our duty to call this feeling to the attention of public-opinion makers.

How foolish it would be to wait any longer to take such a course of action. Faith torn down is not easily rebuilt. Without faith in law enforcement a citizen loses respect for government. Such a loss of faith in Birmingham would be tragic. Faith in government and respect for law enforcement must be kept alive. To that end the Birmingham World has always been dedicated. It

dication and devotion to duty that we urge
gram to bring a better understanding be-
and law enforcement in this area

'Fired Upon By Mistake" .. Shooting At Tires .. Bullets Strike Elsewhere

Above is the automobile of Prof. C. L. Reeves, principal of Westfield High School in which a city detective said he shot at the tires in firing upon the car "by mistake", Thursday afternoon, July 19. Mr. Reeves, police said, was "mistaken for a (lottery slip) pick up car" when the schoolman drove up in front of the residence, 1012 North Second Street. Mr. Reeves said the glass in the front door was rolled down when the bullets struck. Mr. Reeves says that he lay down on the seat and drove off doing "blind driving" dodging the rain of pistol fire. InCourt, Detective C. C. Ray testified that he fired at the tires of the car when Mr. Reeves failed to heed his halt command and sped away. Mr. Reeves was given a suspended fine and court cost. He noted an appeal last Wednesday July 25.

BIRMINGHAM, Ala. — (SNS)

Secretary Informed Of Vets Beating by White Fellow Workers

MOBILE, Ala.—Secretary of Defense George C. Marshall was asked Friday to investigate the Brookley Air Force Base here following the brutal beating of a Negro civilian worker by whites because he drank from a drinking fountain at the installation.

The Negro employe, Herbert P. Green, 27-year-old World War II Navy veteran, who saw service in the Pacific theatre of war, was beaten down in his own blood while on duty Wednesday night. He was assaulted with the steel rim of an airplane wheel. His head wounds alone required eight stitches.

Green also suffered bruises on the back and legs inflicted by the whites.

The attack upon Green was the second potential riot-inciting incident at the Brookley Air Force Base involving a drinking fountain dispute in the past seven weeks. During late May another Negro worker was beaten on the head with a hammer by whites for drinking at a water fountain.

Segregation signs at all toilets and on all drinking fountains at the Base were removed about two months ago on order of the Defense Department.

Failure of the Air Force command here to take firm steps against the white civilian employes responsible for the acts of violence has stepped up racial tension at the base.

Aid Sought for Jailed Teacher

Group Appeals Case

Requests FBI Probe

MONTGOMERY, Ala.—The local NAACP branch asked support this week for its appeal of the jail sentence and fine against George H. Freeman, teacher and football coach at Carver High School, for allegedly "resisting arrest and disturbing the peace."

The city charged Mr. Freeman with cursing a garbage inspector who had asked him about some refuse near his home.

According to a petition circulated by the NAACP, police officers "went into his home without a warrant and carried him to jail barefoot." The association charges that Mr. Freeman was handcuffed, shoved to the car, beaten, knocked to the ground and shoved into the automobile.

FBI Probe Requested

"Fifteen witnesses," the NAACP petition states, "testified that he did not resist and that he was beaten so severely that doctors had to take six stitches in the cut resulting from the beating. In jail, he was denied medical care and the right to call a lawyer."

In addition to appealing the verdict, the NAACP has asked intervention of the Federal Bureau of Investigation to determine whether Mr. Freeman's civil rights were violated.

Offers $100 Reward For Ambusher

MONROEVILLE, Ala.—A $100 reward was posted last week for information leading to the arrest of a would-be killer who shot a middle-aged Negro store operator and his wife from ambush after midnight last Saturday.

The couple, Mr. and Mrs. Charles Stephens, were returning home early Sunday morning from their store when both were shot in the back at close range with a shotgun blast. Their assailant was hiding in high weeds on side of the road on which they were walking. Robbery was believed to have been the motive behind the shooting.

Town Police Chief Alex Stevens called in bloodhounds from the Atmore prison farm but the dogs failed to pick up the trail of the person who fired the shotgun blast.

Law enforcement officers said the case was still under investigation.

Both the store operator and his wife were reported out of danger last week.

Hold White Men Charged With Truck-Ride Robbery, Beating Of Blind Man

MONTGOMERY, Ala. -(SNS)- A quartet of white men were being held in the Montgomery County Jail here charged with the truck-ride robbery and beating of a 45-year old blind man of Birmingham, Ala.

Charged with the armed robbery and beating of Arthur Lee Davis, of 1416 Sixth Alley South, Birmingham, were: Wesley Downs, 20; Warrick Smith, 21; Wallace Fryer, 24 and his brother, Clyde, 21 all of Autauga County. Police said all four had signed confessions.

Two of the four arrested men were identified by Chief Deputy Sheriff George Mosley, Jr. as having records. Clyde Fryar was identified as a paroled convict and his brother Clyde as being on probation after pleading guilty to larceny at the last term of the Montgomery Circuit Court.

Investigating officers said that Mr. Davis was held up about dawn Monday, January 1, when he and a younger companion, George Massey, 37, also of Birmingham, were picked up near Montgomery on the U. S. Highway 31 as they were trying to fix a flat tire. Chief Deputy Mosley said that the four white men admitted beating Mr. Davis with a tire tool and an automobile crank and stripping the victim of $35. He added that the hold-up men said that they had been on an all night drinking spree.

Mr. Massey escaped from the men, hoofed several hundred yards to a house, notifying the highway patrol. The Patrol summoned county officers. Deputy Mosely with Officers J. O. Mathis and Horace Mitchell found a trail of blood where the blind victim had crawled to a nearby lumber yard.

The night watchman summoned the victim's sister who lives in Montgomery county.

Interviewed in Birmingham. Mr. Davis said Wednesday that "I ache very much." He said that he arrived home at 3 A. M. Tuesday, Jan. 2 from the St. Mark's Hospital in Montgomery. He said that after the attack "I was cold, nearly frozen. He lives in a neatly-kept, double-tenant house with his wife, Mrs. Minnie Davis and attendant-companion George (Cinnamon Roll) Massey. He said he lost his sight 19 years ago in a coal mine explosion.

Mr. Davis, lying in bed with his head bandaged and swollen said that he was going to Montgomery County to spend New Year's Day with his sister, Mrs. Ella Mack, of 409 Clay Street and his brother Marion Davis when he and his companion were attacked about 4 A. M., Monday, Jan. 1 near the bridge crossing the Alabama River in Montgomery County.

"Look like you are having a little trouble, uncle," the four white men said to him as they rode by in a truck, whirled around and came back. He said that the men offered to give them a lift to a service station where they could get their flat tire on their four-door Chevrolet fixed.

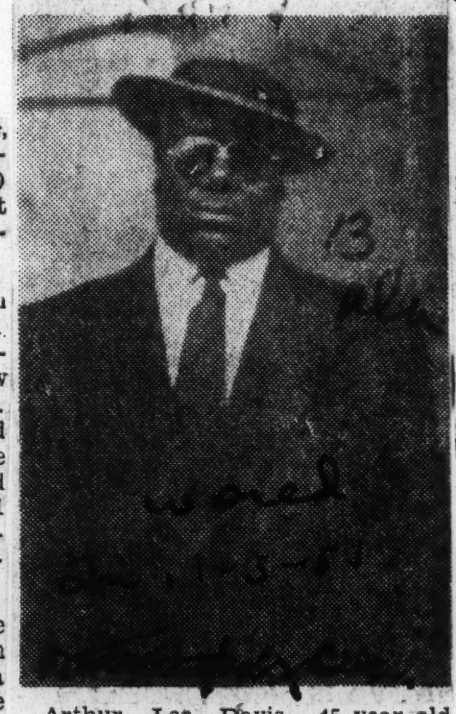
"We hopped in the truck and it roared off down the highway," Mr. Davis said. He said that as the truck approached a filling station he said softly, "Here is the filling station."

He, Mr. Davis, said that the driver kept speeding on and hollered back at him, "They don't fix tires here." He said that Mr. Massey, also aboard the moving truck, observed that the speeding vehicle was shooting across the river. He said that the truck in which he and his home companion were riding was stopped by another truck with two more white men riding in it.

"One yelled," Mr. Davis said, "Get out of this truck, N....." Davis said that he and one of the white men tussled, Massey getting away in the dark.

Mr. Massey, who reportedly fled the scene, gave no version of the hold-up, ride-and rob attack.

Blind Man Robbed, Beaten On Jan. 1



Arthur Lee Davis, 45-year-old blind man, of 1416 Sixth Alley North, who was allegedly beaten, robbed and left bloody in the cold near Montgomery on New Year's Day after being violently attacked by four white men. Montgomery authorities quickly caught the alleged attackers and placed them in jail without bond. Mr. Davis was at home in bed aching from the bruises Wednesday.

White men confess beating, robbing blind Negro on highway

MONTGOMERY, Ala., Jan. 2—(AP)—Four white men have confessed the robbery and beating of a 60-year-old blind Negro on a highway near here yesterday, Chief Deputy Sheriff Mosley said today.

Charged with robbery and held without bond, the men were booked as:

Wallace Fryar, 24; his brother, Clyde, 21; Warrick Smith, 21, and Wesley Downs, 20, all of nearby Autauga County. Mosley said Wallace Fryar is a paroled convict and his brother is on probation after pleading guilty to a larceny charge in Montgomery.

THE OFFICER SAID all four signed confessions that they picked up blind Arthur Davis and a younger Negro companion, George Massey, 37, after the Negroes' car had stopped on U. S. Highway 31 because of a flat tire.

Davis and Massey are from Birmingham, Mosley said, and were en route to Montgomery with two other companions to visit Davis' sister.

THE DEPUTY SAID the white men admitted hitting Davis with a tire tool and auto crank and taking about $35 from him. Massey escaped, ran to a nearby house and turned in an alarm, Mosley added.

Davis, who said he lost his eyesight in a coal mine accident several years ago, was reported in "fair" condition after the beating. Mosley said he runs a boarding house at 1416 Sixth Alley, South, in Birmingham.

Four White Men Rob Blind Negro; Caught By Sheriff

Four white men were arrested this week and charged with the armed robbery and assault of an elderly blind Negro man.

The men, Wesley Downs, 20; Warrick Smith, 21; Clyde Fry, 20 and Wiley Fry, 24, are being held in the Montgomery County jail without bond.

The men are all residents of Autauga County.

They have given statements to Sheriff G. A. Mosley admitting to the assault and robbery of Arthur Davis of Birmingham.

Davis and another Negro were picked up by their assailants on the pretex of aiding the two Negroes reach a filling station to fix a flat tire.

According to arresting officers, the car en route to the filling station and assaulted. The younger Negro, George Massey, escaped and ran for help. The older man was severely beaten about the head with a tire tool and jack handle, robbed of $35 and left on the ground.

Parolled Convict

Wiley Fry was identified by the officers as a paroled convict sent up from Montgomery County for cattle rustling. Clyde Fry, said the officers, is on probation for the theft of a motor bike.

The two victims were traveling to Montgomery from Birmingham to visit Davis' sister. Davis was blinded years ago in the coal mines near Birmingham. He operates a rooming house and cafe in Birmingham.

At present Davis is in St. Margaret's Hospital.

County officers who arrested the four men some 12 hours after the assault was committed were J. O. Mathis, Horace Mitchel and George Mosley, Jr.

Thirty-three dollars of the stolen money and the pocketbook was recovered.

Detective Mike Chisholm's ap- members of the Personnel Board.

Police surprise, shoot burglar

An escaped Negro convict was shot to death early today by a policeman who surprised him attempting to burglarize a Southside service station.

He was identified as Edward Ford, of Birmingham.

Police headquarters said Officers H. T. Barron and A. B. Cox surprised Ford at the Gulf Service Station, 800 Ninth Court, South, where he had opened a safe. The station phone had been torn off a wall and the place ransacked.

WHEN ONE of the officers attempted to enter the building, Ford ran. The policemen chased, and Officer Barron felled him with a shot a short distance from the filling station, police said.

While he was being taken back to a patrol car he died of the bullet which entered his shoulder and came out his neck.

Coroner Joe Hilderbrand returned a verdict of justifiable homicide.

Negro Prostitutes Catering to White Arrested in Raid

A Negro house of prostitution catering to white trade was raided Tuseday night and three Negro women arrested on counts of operating a house of prostitution and vagrancy.

The raid was conducted by the newly formed vice squad of the Police Department under the leadership of Lt. J. R. Eiland.

The women, Irene Raife and her two daughters Clara and Josie, were each sentenced to 30 days Wednesday by Judge John Scott.

Lt. Eiland said that admission to the establishment was gained by exhibiting a City Delivery Service business card. Two members of the vice squad were assigned to enter the place by this means, and a raid was conducted following their entrance.

Lt. Eiland said that this was the first evidence of a Negro establishment operated for whites which had been uncovered in recent years.

The house was located at 25 Day Street.

Autauga Negroes To Stand Trial For Rustling

PRATTVILLE, ALA., May 3—Sentence will be passed Friday on four Negroes, charged with cattle rustling, by Circuit Judge Oakley Melton, Wetumpka.

The Negroes, Duncan Pearson, Tommie Morgan, Tommie Bowman, and Eli Bowman, are charged with 32 separate cases of cattle rustling.

Sheriff George Grant said this is the largest cattle rustling case, to his knowledge, in the county's history.

The Negroes were arrested following investigation by sheriff's officials and Moody Drinkard, of the State Department of Agriculture.

Grant said that the Autauga County Cattlemen's Association also lent important assistance.

Colored Employes Get Beating for Using Fountain

MOBILE, Ala.—Three white employes of the Brookley Air Force Base here were arrested last week in connection with potential riot-provoking violence against Negro workers in drinking fountain incidents at the installation.

The white men were taken into custody by Federal authorities following a vigorous protest to Defense Secretary George C. Marshall by the Mobile NAACP over the brutal beating of Herbert P. Green, 27-year-old war veteran, Wednesday, July 11.

Green, an employe in the Ocean Terminal division of the Brookley Air Force Base, was beaten down in his own blood by whites who objected to his getting a drink of water at a fountain in Warehouse 13.

SLUGGED WITH HAMMER

In a previous such incident, Henry Turner another Negro worker, was slugged with a hammer on the night of May 29.

Green was beaten on the head, arms, body and legs with the steel rim of an airplane wheel by the whites. Doctors had to put eight stitches in his head to close wounds inflicted in the savage attack.

The men arrested, said to be among the ringleaders in violence against Negroes to force them to accept segregated facilities at the Base, were listed as Dale Brown, Roy Emmons and Francis Brewer.

HELD ON ASSAULT

Brown and Emmons were charged with the beating of Green, and Brewer with the slugging of Turner. All are held on assault and battery charges.

The white men chose to have a judy trial, which will be held during the fall before Federal District Judge Daniel H. Thomas.

United States Commissioner Alex T. Howard said Friday the men declined to be tried by him as scheduled. He said he could not try the men without their consent.

The FBI investigated the terror incidents against Negroes after the military reported the happenings.

APATHY CHARGED

The message to Secretary Marshall, sent by J. L. LeFlore, NAACP executive secretary, accused Brookley Air Force Base officers of apathy in the Turner case which was said to have encouraged other such acts, including the brutal beating of Green.

The NAACP said information made available to the organization disclosed that Brewer was not promptly suspended after striking Turner on the head with the hammer. "Apparently no tangible action was taken at all until our protest to Washington," LeFlore said.

All segregation signs over water fountains and toilet facilities at Brookley Air Force Base were removed about two months ago on orden of the Defense Department.

Principal of Negro school asks board to protest his arrest

C. L. Reeves, principal of Westfield Negro High School, yesterday asked the Jefferson County Board of Education to protest his arrest by Birmingham police July 19.

In a 15-page letter, Reeves declared he was arrested and fined unjustly. He said he had stopped before a house looking for his son when he saw "a man in a sport shirt" come down the steps with a gun.

The man was a city detective who fired at him, Reeves said.

Reeves said he thought the man was "a crazy man" and drove away. He said he went around the corner and called police to come get the "crazy man."

He asserted the police "tricked" him into going to court without a lawyer. He said he thought he was going to City Hall to talk of damages to his car at the time set for the trial in Recorder's Court.

He labelled the $15 fina a "gross miscarriage of justice" although the fine was suspended.

Board members said they "were sympathetic" but did not see how they could take official action.

Aid For Alabama Gridiron Coach Sought By NAACP

MONTGOMERY, Ala. — The Montgomery branch of the National Association for the Advancement of Colored People asked support this week for its appeal of the jail sentence and fine of George H. Freeman, teacher and football coach at Carver High School, for allegedly "resisting arrest and disturbing the peace."

The city charged [illegible] with cursing a garb[illegible] who asked him [illegible] refuse near his home. According to a petition circulated by the NAACP, police officers "went into his home without a warrant and carried him to jail barefooted."

The Association charges that Mr. Freeman was handcuffed, shoved to the car, beaten, knocked to the ground, and shoved into the automobile.

"Fifteen witnesses," the NAACP petition states, "testified that he did not resist and that he was severely beaten. The doctors had to take six stitches in the cut resulting from the beating. In jail, he was denied medical care and the right to call a lawyer."

In addition to appealing the verdict, the NAACP has asked intervention of the Federal Bureau of Investigation to determine whether Mr. Freeman's civil rights were violated.

Father Pleads For Jailed Girl

DECATUR, Ala.—A faithful father has been working since December, 1948, trying to bring about the release of his daughter who was jailed and convicted here on forgery counts. He is Murrell Love, former railroad worker, who was forced to take up residence in Chattanooga, Tenn., because of threats he received here.

Mr. Love has parked on the doorsteps of the national office of the NAACP and leading citizens in an effort to raise the $3,000 needed to fight the case. The NAACP, so far, has not come to his daughter's aid, he told the Courier. Mr. Love makes his home at 1901 Reads Street, Chattanooga, Tenn.

This is his story of his daughter's plight:

Betty Love, now 18, was arrested in December, 1948, charged with forging checks on her employer, Mrs. Isabel Wyker. She made bond, but a second bond was issued and she was rejailed.

At the trial, at which she was not represented by a lawyer (her attorney withdrew a day before the trial), she received a year and a day. An appeal was filed, and bond for her release set at $8,500, which has not been raised.

Miss Love is still in jail awaiting the time that her father is able to raise enough money. Several months after her arrest she gave birth to a baby. (The father says the baby was born in jail.)

Mr. Love told the Courier Saturday that Maurice M. Weaver, white, one of the NAACP special attorneys in Columbus (Tenn.) riot trial, has agreed to represent Miss Love at the appeal hearing which has been set for some time in September.

Mr. Love, to date has raised only $600 for his daughter's defense. He is making a general appeal to the public to help them. Contributions may be sent to: Murrell Love, 1901 Reads Street, Chattanooga, Tenn.

Mr. Love says he is confident his daughter is innocent and that he has evidence to prove it.

— BUY 1, SELL 2 BTW COINS —

2 Negroes Sought For Striking Man

Highway patrolmen and sheriff's officers are looking for two Negro men who reportedly walked up to an automobile accident at Madison Park Sunday, took up an argument, and hit a white man in the head with a steel bar.

Sgt. L. H. Phillips, of the Highway Patrol, said the white man, Cecil Rupert Law, about 45, of 8 Jackson Street, was still in the hospital Monday, but his condition was not serious.

According to Phillips, Law's car was involved in an accident, about three miles north of the city limits, with an automobile driven by Frank Davis, a Negro, of Route 2, Tallassee.

Apparently, officers said, an argument between the two drivers followed the accident, and the other two Negroes came along and took sides with the Negro driver involved.

Patrolman Phillips said they expected to make arrests in the case soon.

Assisting in the investigation are Patrolman B. H. Hudson, Chief Deputy George Mosley, Jr., and Deputies Mitchell and Alford.

Woman At Selma Beaten By Intruder

SELMA, ALA., Sept. 5—(AP)—A white woman was severely beaten Wednesday by a Negro intruder who entered her home near Selma, Police Chief Ed Mullen reported.

Mullen identified her only as a Mrs. Taylor. He said the woman's husband is an Air Force lieutenant stationed at nearby Craig Field.

The chief said Mrs. Taylor told officers the Negro entered her home, tossed a cloth over her head and began beating her when she screamed. When she continued to call for help, the woman continued, the intruder ran from the house.

Mullen said Air Force planes from Craig Field and dogs from Kilby Prison at Montgomery joined police, sheriff's deputies and state highway patrolmen in searching for the Negro.

No trace of him had been found late in the day, the chief said.

NEGRO CAPTURED AFTER ESCAPE FROM OFFICER

Henry Wyatt Threw Acid Into Deputy's Face

MONTGOMERY, Ala., Dec. 28.—(AP)—Sheriff's deputies, acting on a telephone tip, Friday, recaptured a handcuffed Negro who escaped here Thursday night from an officer taking him from Georgia to Illinois.

The fugitive, identified as Henry Wyatt, broke away from Illinois Deputy Sheriff Leslie Christian after throwing acid in the officer's face. Christian suffered severe burns in both eyes.

Montgomery County Deputies H. T. Alford, Horace Mitchell and Fancher Phelps took Wyatt into custody Friday afternoon in a vacant house about 10 miles south of here. He was still wearing the handcuffs he had on when he escaped.

Because of his attack on Deputy Christian, the Negro probably will be charged with mayhem, said Chief Montgomery Deputy George Mosley Jr. Christian said he was returning Wyatt to Cairo, Ill., to face charges of grand larceny and parole violations.

NEGRO HELD IN BEATING OF BLYTHEVILLE MAN

E. L. Jones, White Salesman, Reported In Good Condition

Special to The Commercial Appeal

BLYTHEVILLE, Ark., Nov. 4.—Johnny Edwards, Negro, was arrested Saturday night in connection with an attack on E. L. Jones, a 72-year-old white salesman.

Mr. Jones was struck over the head with a bottle and beaten about the face. His condition Sunday was reported as good.

Barney Cockrell was credited with ending the Negro's attack. Mr. Cockrell heard Mr. Jones cry out as the Negro assaulted him near the Hubbard Hardware Co. where Mr. Jones is employed. The Negro fled as Mr. Cockrell intervened.

The Negro, now held in the city jail, is said by police to have confessed to burglarizing several Blytheville residences.

Police said robbery was the motive of the attack.

13 1951

CHARLES V. CARR BILL - (Dope Addicts)

Carr's Bill Would Aid Dope Users

CLEVELAND, OHIO — Cleveland's war on dope got a shot in the arm last week when Councilman Charles V. Carr introduced a bill which would require hospitilization for any person arrested and found to be an dope addict.

Carr said addicts are now thrown in jail for a period usually not exceeding 90 days and when they are freed they start the deadly habit all over again.

"It doesn't make sense," Carr said. "The big job is to cure the addict of the habit and this cannot be done in prison. He needs medical attention which he could get in the prison hospital but not in a cell."

Councilman Carr said his bill has a good chance of winning the approval of the city's lawmakers. He said pressures brought by civic groups almost assures its passage.

A veteran of almost three full terms, Carr is one of three Negroes who sit in Cleveland's council chambers. The others are Attys. Harold Gassaway and Jean Capers.

If Carr maintains his record in the council, his dope bill will become law. Two other measures he sponsored have gone into effect and opened new channels to Negroes in Cleveland.

During his first term of office he pushed through the "Euclid Beach bill" which outlawed jim crow in any public establishment licensed by the city. This opened Euclid beach to Negroes as well as hotels, restaurants, theaters,etc.

The FEPC measure, sponsored by Carr, was passed in 1949 and has become a model for other cities interested in setting up commissions to guarantee fair hiring policies.

Blonde Tells of Prostitution To Pay $80 A Day for Dope

Lexington Doctor Informs Probers That Addiction Is A Raging Epidemic

From Wire Dispatches

Washington, June 26.—A parade of youthful dope victims today gave investigating senators a sordid account of crime and prostitution—reaching into the ranks of mere children—to support the drug habit.

"Prostitution . . . confidence games," a pretty blonde from Cincinnati replied crisply to a question about how she paid up to $80 a day for narcotics.

Youths from New York and Chicago filled in more of the grim picture at a televised hearing of the Senate Crime Investigating Committee. The names of the young addicts, who are under treatment in institutions, were kept secret and the cameras were not trained on their faces.

'No Segregation In Use of Dope'

An 18-year-old Chicago Negro told of white girls as young as 15 engaging in prostitution for drug money, sometimes with Negroes.

Associated Press Wirephoto
"DOCTOR ANONYMOUS"
Tells of narcotics addiction

"There is no segregation in the use of dope," he said.

He recounted his own crime career, ending in a sentence for a mail theft he committed to pay first for marijuana and then for heroin. He estimated that 35 or 40 per cent of the students in his Chicago high school used drugs. He called Chicago's South Side, much of it a Negro district, "Dopeville."

The New Yorker, 17, of Puerto Rican descent, recounted that he went on "reefers"—marijuana—at 13. He said he turned to crime to support the habit as he shifted to heroin and became a "mainliner"—one who injects the drug directly into a vein. He said he bought from peddlers "downtown," explaining that he meant south of 125th Street.

"You can just tell them," he said. "They would just come up to me. When you see a sick man you know he's a drug addict." He admitted stealing from his mother to buy drugs.

From other witnesses the committee heard that addiction among teen-agers has turned into "a raging epidemic," especially in large cities, and that the traffic is "a major business."

Dope Offered to Children Aged

"The people in it are pushing as you would push legitimate business," said James R. Dumpson, New York social worker whose report centered on Harlem.

Dumpson told of peddlers lounging against school walls, waiting to "pass the goods to girls as they go into schools." He said he knew of drugs offered to children as young as 9.

The "epidemic" description of the spread of the habit among youths came from Dr. Victor H. Vogel, medical officer at the United States Public Health Service Hospital, Lexington, Ky.

He gave figures on a 20-fold increase in admission of youths to federal institutions for treatment for narcotic addiction from 1947 to 1950.

The rise in admissions, he said, was from 22 to 440 and if most of the cases in court were referred to the hospital, the hospital would be "overwhelmed."

Calls Addiction A Fad

Vogel said New York, Chicago, and, "to a lesser extent, Washington," seemed to be centers of the teen-age "epidemic" on the basis of admissions to the federal hospitals.

To some extent, teen-age drug addiction is a fad and a fashion like hot-rod cars and zoot suits, he said, but he noted the increase has been sharp in the past two years.

The problem is related to low living standards and slum areas, with a large number of addicts from slums, he said.

Dr. Harris Isbell, director of research for the Lexington hospital, said women who engage in prostitution to get money for

Associated Press Wirephoto
DR. LOIS HIGGINS
Describes Chicago dope situation

drugs do it only for the money. He said the sex urge is greatly decreased by use of narcotics.

Dr. Lois Higgins, director of the Chicago Crime Prevention Bureau, said the number of youths under 21 arrested in Chicago for narcotics-law violations climbed from 136 in 1948 to 1,017 in 1950, with 989 arrested so far this year.

The aim of the hearings is to focus public attention on the narcotics menace and devise new legal measures against the trade. Chairman O'Conor (D., md.) laid emphasis on getting at the methods of the "syndicates."

'I Committed Crimes'

Senator Wiley (R., Wis.) went pointedly after information on any connivance by police in a traffic that said must run to "millions and millions." The opening witnesses were unproductive on that point.

The most sensational story was given by the Cincinnati blonde, now on leave from the Lexington hospital.

O'Conor wanted to know how she, at that time a showgirl, was able to afford the habit which she said cost her up to $80 daily.

"I committed crimes, naturally," she said with some impatience

"Prostitution . . . confidence."

A slender girl of 21 in a dark brown suit, with full lips heavily red against the paleness of her face, she told of addiction since she was "15 or 16—in high school."

Wanted To Impress

That was in Cincinnati, where she was arrested last February and sentenced for possession of narcotics.

"A dozen or more of my associates in high school were smoking marijuana."

After she went into show business, she related, she changed to heroin because "a lot of show people do use drugs" and she wanted to give the impression she was older than she was.

She got up to "12 or 15 capsules a day" of heroin and "after the kick disappeared, I started taking cocaine with it."

Used Knockout Drops on Men

"I have used knockout drops," she said in telling of her dealings with men to get money. Sometimes there was only "a promise you did not keep."

She said she once "rolled" a victim for $1,600, and had worked confidence games in Detroit, Cleveland, Chicago, and Pittsburgh.

Addicts, she said, tell stories about "hot shots"—poisoned drugs—peddled to addicts who inform.

She said she had heard of addicts who was arrested, then released after "about 15" peddlers were hauled in, presumably on his tip.

"He got a hot shot . . . he died."

'You Vomit . . .'

She told of the agonies of unavailing efforts to quit the habit "cold turkey"—that is, on the victim's own, without medication. She said she tried it and, "You get hot and cold sweats. You vomit, have twitching, cramps—"

A onetime Brooklyn basketball player said he began by smoking marijuana and turned to heroin while playing basketball on the Catskill Mountain "Borscht Circuit" from resort to resort.

He said it happened during a summer vacation after he had been offered an athletic scholarship at a university. He realized he had been "hooked" by the drug habit, so he quit basketball, left school, and robbed the mails to buy heroin.

Surgeon-Addict Testifies

He was the one witness who did not think painting the horrors of the drug habit to youngsters would save them from the habit.

A round-faced, 32-year-old physician-surgeon who was once a medical-school teacher said his downfall was "demerol," an opium derivative similar to morphine.

Plagued by overwork and a leg abscess, he said, he started with an "occasional shot," to get some sleep, and became a full-fledged addict.

He said he had reached the road back after two visits to the federal hospital, a changed mental attitude toward a cure, and work with "Addicts Anonymous"—patterned after Alcoholics Anonymous.

"A person had better blow his brains out than start narcotics," the doctor testified, "because then you just destroy the body, not the soul."

Narcotics Dealer Gets 15 Years, Fined $11,00

New York, June 26 (AP)—A convicted wholesaler of narcotics was sentenced today to 15 years in prison and fined $11,000. It was the heaviest narcotics penalty ever imposed in this federal district.

The prisoner, Raymond Rosario, 50, was described by federal authorities as a member of a ring which supplied some addicts in Harlem with more than $250,000 worth of illegal narcotics since May, 1950.

Pathetic Tales Of Woe Heard

Pregnant Women Tell Of Enslavement To Narcotics Habit

By LOUIS LAUTIER

WASHINGTON, D. C. — (NNPA) — "Pad" parties, at which the participants indulged in narcotics, were described to the Senate Crime Investigating Committee last Wednesday by a colored Baltimore policewoman.

Mrs. Violet Hill White, who is in her fourteenth year as a member of the Baltimore Police Department, told the committee that she had attended some "pad" parties, to a few of which she had been invited.

Such parties, she said, are usually held in a large living room, around the walls of which were placed eighteen or twenty chairs in all types of condition. In these chairs, she stated, sat young people ranging in age from 17 to 25 years, "in various postures," some reclining and some in ludicrous positions.

MOST OF THEM, she said, using the lingo of the dope traffic, were "kicking off" or sleeping off the effects of heroin. A "pad," she explained, means any type of dope the addict could get.

Mrs. White read to the committee, presided over by Senator Herbert R. O'Conor, Democrat, of Maryland, a letter written to her under date of June 14 by a young mother who is an addict.

"You can call me an addict or a junky—it really doesn't matter," the letter began.

The writer said she was at least six months pregnant with her last baby when she began using narcotics. She began drinking wine, but did not drink whiskey because she "saw what it did to my mother."

* * *

WHEN SHE WENT out with friends, the letter-writer said, they smoked "reefers" and laughed at her because she was a "square." The letter said when she was six months' pregnant she went to a "reefer" pad, tickets to which were sold by the man who gave the party and cost $1.50 each.

"You had to be a junky, a pusher or a square to buy a ticket," he letter said. The tickets advertised, "Chicken dinner, come on up, let's eat, let's get high, let's laugh, let's cry."

The letter-writer said she went to the party with another girl. When they got there, a man peeped through a hole in the door, recognized them, let them in, tore their tickets in half, and gave them one-half to get their chicken dinner. He then gave each of them two "sticks," meaning "reefers."

* * *

THE MAN WAS described as a wholesaler and the party as a real "pad." "Everybody was 'popping.' In one corner, the letter added, a man sold both cocaine and heroin.

The guests were first given a piece of chicken. The letter said nearly everybody had a chicken leg. "When your bone was cleaned, you were supposed to push your 'stick' in it," the letter said. "I guess you never tried it but that bone does something for the cigaret."

Adjustable cigaret holders were also sold at this "pad" party. There was plenty of music. The letter said "'reefers' make you light and you just love music."

* * *

THIS YOUNG MOTHER wrote that she "snorted" heroin for the first time at this party. It made her sick. Later, she visited her girl friend's house and her girl friend's brother gave her an injection of heroin, which also made her sick but later gave her a feeling of elation.

Every time she went to a "pad," the writer said, she heard everybody talking about cocaine. She added that she had her first shot of cocaine when she was eight months pregnant. She said she has never again taken cocaine, but she is still using heroin.

Mrs. White is assigned to the northwestern section of Baltimore where the colored population is heavy. She said she was recently giving "considerable time and thought" to narcotics because there seemed to be an increase in their sale and "so many young people became affected."

* * *

ABOUT A YEAR AGO, she said, she noticed more "activity" among young people under and around 16 years of age.

She said they began, almost without exception, by using marijuana, then switched to heroin. "A few cases went to alarming proportions, Mrs. White asserted. She said she had in mind several cases where, with parental help and the local churches, "we made adjustments and we took action."

A NUMBER OF ADDICTS and one peddler, all of whom are now confined at the Maryland House of Correction at Jessup, Maryland, were paraded before the committee last Wednsday and told their case histories.

One of these addicts, aged 41 years, has been a musician for about twenty - three years and had earned as much as $250 a week. A native Baltimorean, he had begun smoking "reefers" at the age of 16 or 17 just after he had come out of high school.

The musician - prisoner said he worked up to three or four capsules of heroin a day at $3 a capsule.

* * *

A 20-YEAR OLD colored women, who had lived all of her life with her mother and father in Baltimore, said she began smoking "reefers" at 13 and graduated to heroin when she was 19. She said she bought "reefers" at 50 cents a "stick" from peddlers on the streets and heroin at $3 a capsule.

A 41-year old woman inmate of the Maryland House of Correction testified she has been using drugs for fourteen years, starting by smoking marijuana and changing to heroin. Married and the mother of two children, she lived in Washington.

She said she worked up to three or four capsules of heroin a day and in the last four or five years has been spending $15 or $20 a day to satisfy her craving.

She said she bought heroin from peddlers on the streets of Washington without any difficulty and also visited places where there would be two or three addicts at one time and fifteen or twenty at another, injecting narcotics in the presence of each other. She admitted having been convicted of larceny three times.

A 23-YEAR OLD native Baltimore woman testified that she started smoking marijuana at 18, then switched to heroin in 1949 for "a better feeling.

She said she had worked as a nurses aid and a waitress in a Baltimore hospital and earned enough to spend $12 a day for four capsules of heroin and to take care of her mother and a son. She said she dealt with so many peddlers she "couldn't count 'em."

Capital Spotlight

Most Important Capital Has More Secure People

WASHINGTON — The most important capital in the world, perhaps boasts more intelligent and economically secured colored persons than any other city in the United States.

Here perhaps may be found per 1,000 colored population more physicians and surgeons, more lawyers, more school teachers, more Ph.D.S—some of them may be only Government file clerks—than anywhere else in the country.

But here also the incidence of crime is perhaps higher than in other cities. Here are a few figures:

In the fiscal year 1950, 31,591 offenses were reported to the police. These cops arrested 90,825 individuals, of whom 36,756 were white adults, 1,098 white juveniles, 48,675 colored adults, and 3,686 colored juveniles.

Of the sixtyfour persons arrested for murder, only twelve were whites as compared with fiftytwo colored.

There were 164 rape cases, for which only twentyone white adults and three white juveniles were arrested, as compared with 107 colored adults and twenty-eight colored juveniles.

Of forty-eight reported attempts to rape, only eight white adults and two white juveniles were arrested, as compared with twenty-five colored adults and three colored jjuveniles.

In 1,060 reported robberies, 188 white adults and twenty white juveniles were arrested, as compared with 578 colored adults and 277 colored juveniles.

There were seventy-nine attempted robberies reported, for which fifteen white adults and four white juveniles were arrested, as compared with thirty-three colored adults and twenty-seven colored juveniles.

For the 3,391 burglaries reported, 291 white adults and 432 white juveniles were arrested, as compared with 675 colored adults and 853 colored juveniles.

Of the 1,048 persons arrested for grand larceny ($50 and over in value), 220 were white adults, eighty-five were white juveniles, 515 were colored adults and 228 were colored juveniles. Of 2,309 persons arrested in 7,812 reported cases of petty larceny (under $50 in value), 384 were white adults, 249 were white juveniles, 953 were colored adults, and 723 were colored juveniles.

Colored offenders in such crimes as auto theft, forgery and counterfeiting, embezzlement and fraud, in which the white criminal had almost a monopoly, are also on the increase.

In 241 reported cases of forgery and counterfeiting, there were 138 white adults and one white juvenile arrested, as compared with seventy-eight colored adults and one colored juvenile.

Of 644 persons arrested in 1,317 reported auto thefts, ninety were white adults, 205 were white juveniles, 235 were colored adults and 114 were colored juveniles.

In 356 reported cases of embezzlement and fraud, there were 153 white adults, and 113 colored adults arrested. On misdemeanor charges involving the same offense, there were 386 white adults, 197 colored adults, four white juveniles and ten colored juveniles arrested.

For carrying concealed weapons, eighty-nine white adults and twelve white juveniles were arrested, as compared with 412 colored adults and eighteen colored juveniles.

Of thirteen persons arrested for prostitution and commercialized vice, ten were white adults and three were colored adults. But on misdemeanor charges involving the same offense, there were forty-three white adults and 129 colored adults arrested.

There were 313 persons arrested for drug law violations. of that number, eighty-four were white adults, one white juvenile, 320 colored adults and twenty-three colored juveniles.

Of the 508 persons arrested for gambling, 180 were white adults and 328 were colored adults.

The total number of arrests for all offenses in 1950 totaled 256,904, an increases of 6.7 per cent over 1949.

The total value of property stolen in 1950 was $1,744,000, a decrease of 13 per cent from 1949.

BY LOUIS LAUTIER
For the NNPA News Service

Find Man's Body Beneath Bridge

WASHINGTON

The body of an approximately 40-year-old man identified temporarily from a Social Security card in his pocket as Sylvester Stevens, was found Wednesday night in New York Creek.

The corpse was found huddled against an abutment underneath the Calvert St. Bridge, according to police. The man's body was found about 11 p.m. by Pvt. A. Beye, a mounted Park Policeman. It was covered with mud.

Police say the Missing Persons' Bureau has had a report on a Sylvester Stevens, 45, 707 Kenilworth Terrace, N.E., since March 11.

The man, whose body was found, was described as being about 40 years old, 6 feet tall and weighing about 170 pounds. Police estimate he has been dead about ten days.

Lawyers Try For Caldwell's Freedom From Jail Sentence

WASHINGTON, D. C.— (NNPA) —Attorneys for Bennie C. Caldwell, night club operator sentenced to a term of twenty months to five years' in prison, last Thursday filed a petition in the United States Courts of Appeals here for his release on bail pending an appeal.

Caldwell was convicted of tampering with the jury during the trial of William (Snags) Lewis, a white gambler who frequented Club Ball, a night spot operated by Caldwell.

Since his conviction a grand jury has been inquiring into the matter of an alleged attempt to remove from the District Attorney's office the file in the Caldwell case, including reports of the Federal Bureau of Investigation.

Perry W. Howard, attorney for the late Daniel M. Gary, who was a co-defendant with Caldwell in the jury tampering case but was never brought to trial on account of his illness, was one of the witnesses subpoenaed to appear before the grand jury. Other witnesses included Henry Lincoln Johnson, Jr., attorney for Caldwell; Curtis Mitchell, another attorney whose name was mentioned during testimony in the Caldwell case, and John Bradley, Sr., white private detective, who was hired by the District Attorney's office as an informer and while so hired accepted employment from the Caldwell defense.

Morris Fay, United States Attorney, and William Hitz, Assistant United States Attorney who prosecuted Caldwell, also are reported to have testified before the grand jury.

The petition for the release of Caldwell on bail pending appeal contains the sensational matters developed during the hearing on the motion for a new trial, involving the conduct of the District Attorney's office.

The petition charges that the United States Attorney employed Bradley as an uncover agent to find out the names of defense witnesses and the substance of their testimony and knowingly suffered Bradley to become an employee of defene counsel in the Caldwell case.

According to the petition, Bradley was to pretend to be working for the defense but actually was not to do so except insofar as was necessary to deceive defense counsel and Caldwell.

The petition recites that Bradley was given a subpoena to serve upon Mrs Parthenia Fraction, the wife of Robert C. Fraction, a member of the petit jury panel in the Lewis case, to whom Caldwell was charged with offering a bribe to get from him the feelings of the jury selected to try Lewis.

The defense wished to get from Mrs. Fraction the extent of her corroboration of her husband's testimony that Caldwell visited him at his home and made the offer.

Testimony at the trial, the petition asserts, was to the effect that Bradley, instead of serving the subpoena as directed by defense counsel, telephoned Hitz from the Bureau of Engraving and Printing where Mrs. Fraction was employed, and Hitz instructed Bradley not to serve the subpoena.

This was denied by Hitz. The petition states, however, that the subpoena was not served, that Hitz called Fraction that evening and had him talk with his wife about her testimony, and that the next morning Mrs. Fraction's testimony entirely corroborated her husband's.

The petition also asserts that Caldwell's constitutional rights have been violated and that there are several substantial questions of law involved in the appeal.

Attorneys for Caldwell are Mr. Johnson and Wilbur W. Sewell.

Caldwell has been in jail ever since his conviction late in May.

Two sleeping tots are beaten to death

WASHINGTON, Aug. 15—(AP)—Two small children were beaten to death in their beds early today by an intruder who first locked their parents in another bedroom.

Police were unable to establish a motive for the mysterious bludgeonings except that a television set was missing from the home.

They said the slayer used a hammer or other heavy object to crush the heads of James Edward Poole, 4, and his brother, Fred Poole, 3.

The father, Clarence Poole, is a Negro. The mother is a Filipino, police said. They met while Poole was in military service in the Philippines.

Chance To Avoid Prison Term Seems Closed To D. C. Medic

WASHINGTON, D. C. —(NNPA) —The last avenue of avoiding a prison term was virtually closed to Dr. William A. Goodloe, widely known physician, last Monday when the United States Supreme Court refused to review his conviction on charges of performing an abortion, obstructing justice and attempting to bribe a witness.

The doctor, at whose home Joe Louis, former heavyweight champion of the world, and his managers, John Roxborough and Julian Black, were guests when Joe was climbing the ladder of pugilistic fame, faces a term of seven years in prison.

He was sentenced to five years on the abortion charge and two years each on the obstruction of justice and bribery charge, but the sentences on the latter two charges are to run concurrently after the first sentence has been served.

Dr. Goodloe was not available for comment last Monday. He was said to be at his summer home at Arundel-on-th-Bay, a summer resort on Chesapeake Bay, in Maryland.

Dr. Goodloe was convicted of performing an abortion of Gloria M. Huffman, a white woman of Baltimore, Maryland. He also was convicted of conspiring to offer a bribe to Miss Huffman to absent herself during the grand jury investigaton. He also was found guilty of offering her a bribe.

Miss Alice L. Galusha, a white clerk, was indicted jointly with Dr. Goodloe, but she was granted a severance and later the charges against her were dropped.

According to the trial record, Capt. Andrew Gleeson, a white Army officer, arranged with Dr. Goodloe to perform the abortion on Miss Huffman at Dr. Goodloe's home, where his offices were located. Gleeson paid him $350 for the operation.

While visiting in Washington on April 15, 1950, Miss Huffman became ill and was taken to Gallinger Municipal Hospital here. Her condition diagnosed there as an incomplete abortion. Police were notified and an investigation begun.

Miss Galusha called on Miss Huffman at her home in Baltimore on April 20, 1950, and offered to pay her expenses if she would leave town and not appear against Dr. Goodloe before the grand jury in the District of Columbia.

Alice telephoned Gloria, saying she was in Washington and was going to Baltimore to see her again. On April 22, 1950 Alice appeared at the Baltimore apartment of Gloria the second time and offered to buy her an airplane ticket and furnish her with expense money if Gloria would depart immediately for California.

Two Baltimore police officers, hidden in a closet in the apartment, heard the conversation and arrested Alice. She had more than $300 in her possession. At the time Miss Huffman was under supoena to appear before the District of Columbia grand jury.

At the trial, Dr. James M. Pair, a Baltimore physician, testified that Miss Galusha visited his that Goodloe and Miss Galusha left, remarking that "she was going to try to persuade someone to stop whatever they were trying to do to Dr. Goodloe.

Goodloe is a graduate of the Howard University Medical School and has been a practicing physicin here for more than twenty-five years.

Child Murders Case Closed by Police Bullet

Fugitive From Mental Hospital Slain; Stolen TV Set Found in Room

The case of two children murdered in their beds was marked "closed" today as police checked the evidence against a suspect they shot to death yesterday a short distance from the scene of the crime.

A television set stolen early Wednesday at the time of the double murder at 409 Franklin street N.W. helped to convince police they got the right man when they shot down John Fletcher, about 35, a fugitive from a mental hospital in Maryland.

Other evidence found in Fletcher's room at 413½ Franklin street included a bloodstained hammer. Police said it probably was used to bludgeon four-year-old James Edward Poole and his brother, Paul, 3.

In a room cluttered with stolen goods, detectives also found a bloody pair of trousers and stolen wiring for the television set, wrapped in an old newspaper and hidden in a stove. The set had not been hooked up.

Bloodstains on Hands.

Additional bloodstains were revealed by chemical tests on Fletcher's hands after the body was removed to the District Morgue yesterday afternoon, according to Inspector Robert V. Murray, chief of detectives.

Fletcher was shot once through the chest and dropped with an open knife in his hand. The .38-caliber bullet passed through Fletcher's body and has not been recovered.

Two officers had opened fire at the time—Probationary Detective Carl Rudbeck, Jr. and Precinct Detective James A. Bryant, both of the Juvenile Squad.

The two were making a routine check of the neighborhood with Probationary Detective Charles A. Mackie, also of the Juvenile Squad, when they knocked at Fletcher's door.

Since Wednesday morning, at least 30 officers had been searching the area for clues to the brutal double murder.

Slowed by Passer-by.

Fletcher asked who was knocking, and when the reply was, "The law, open up," the man inside ran toward another exit, police said. Fletcher, under the alias of Walter Connor, had been serving as a caretaker for the Good Samaritan Community Church, and living in a back room of the church. The pastor, the Rev. J. Z. Horton, was away at a beach at the time.

Fletcher ran out the front door and west toward Fifth street. The detectives fired several wild shots and started in pursuit. Fletcher darted through an alley to P street, and thence to New Jersey avenue.

Detectives Bryant and Mackie fell during the chase, but got up running. As the fugitive turned back into Franklin street, he was slowed down by a passer-by, John Lee Horns, 21, colored, of the 200 block of Bates street N.E.

Identified by Fingerprints.

Fletcher brandished a knife at Mr. Horns and began to climb a bank fronting a vacant lot at 407 Franklin street.

Unable to reach the top, the man turned on his pursuers with a shot through his chest, police said.

Identification was made through fingerprints. Neighbors said Fletcher had been around the neighborhood for several months, and it was likely that the Poole children knew him.

Their parents, Clarence Poole, colored, and Mrs. Victoria Poole, 24, a Filipino, had put them to bed in a back room on the upper floor Tuesday night and left a night light burning.

Mrs. Poole heard one of them cry out about 4 a.m. Wednesday, and wakened her husband. They then heard somebody walking in the children's room and Mr. Poole found the door to their bedroom locked from the outside.

The father let himself drop to the ground through a second-story window, and re-entered the house through a window on the ground floor. By the time he reached the boys' room the prowler had escaped.

Television Set Checked.

The light had been turned out, Mr. Poole said, and the children were moaning in their beds. Inspector Murray said the prowler probably had been recognized by the children, and that he probably attacked them to avoid detection.

The frantic father tried to carry both boys to nearby Freedmen's Hospital, but a neighbor realized his plight and called an ambulance. The boys died at Children's Hospital two hours later.

Mr. Poole identified the television set, and police said the serial numbers, checked at the store where it was purchased, identified the set as Mr. Poole's property.

In Fletcher's room was several hundred dollars worth of other goods stolen from the neighborhood, police said. The loot included a radio, electric toaster, chest of drawers, bureau, bicycle and a quantity of toys.

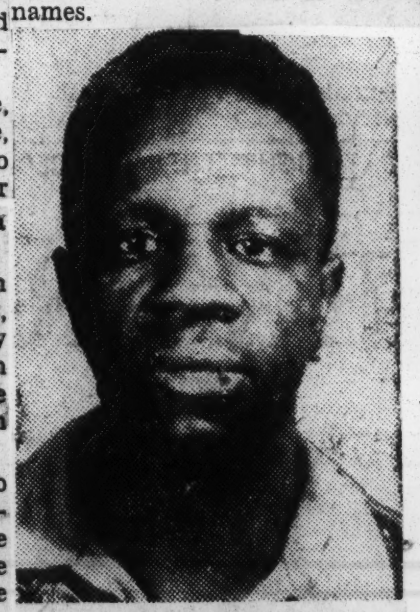
Escaped Mental Hospital.

Washington police said last night that Fletcher had been committed to the State Hospital at Crownsville, Md., January 14, 1948, from the Maryland State Penitentiary where he had been serving 10 years for burglary and assault on a policeman. He escaped last September 8 from Crownsville.

Inquests will be held tomorrow at the District Morgue into all three deaths.

Inspector Murray praised the detectives for "excellent police work," and said they would be promoted as soon as vacancies occur in higher ranks. The two probationary detectives had been advanced from the rank of privates only a few days ago.

Neighbors said Fletcher lived pretty much to himself. He was known in the vicinity by several names.



JOHN FLETCHER.
Felled by Police Bullet.

The above are the two children of Mr. and Mrs. Clarence Poole, who were slain by a prowler.

FRED POOLE.

JAMES EDWARD POOLE.

Dr. Goodloe Loses Appeal Goes To Jail

WASHINGTON — Dr. William A. Goodloe, prominent Washington physician, was ordered this week to begin serving a sentence of from 28 months to seven years for performing an illegal operation on a young Baltimore white woman whom he later tried to bribe not to appear as a grand jury witness against him.

District Court Judge Alexander Holtzoff started proceedings to have Dr. Goodloe committed to prison after the U. S. Supreme Court last week denied an appeal of his June, 1950, conviction and sentence. He has been free on bond since that time.

Dr. Goodloe drew five years on the abortion charge. Obstructing justice and attempted bribery got him an additional two years.

Dr. Goodloe Conviction Valid Says Department Of Justice

WASHINGTON, D. C.—(NNPA) The judgement of the United States Court of Appeals affirming the conviction of Dr. William A. Goodloe widely known physician, is correct and no conflict of decisions of question of importance is presented, the Justice Department told the United States Supreme Court last Tuesday.

Dr. Goodloe was convicted in District Court here on three counts of an indictment which accused him of performing an abortion on Miss Gloria M. Huffman, white Baltimorean; of conspiring with Miss Alice L. Galusha also white, to get Miss Huffman to absent herself during the grand jury investigation of the alleged abortion and also charging him and Miss Kalusha with attempting to bribe Miss Huffman.

Goodloe was sentenced to twenty months to five years on the abortion charge, and to eight months to two years on each of the other charges to run concurrently after the sentence on the first charge had been served.

In his petition for a Supreme Court review of his conviction, Goodloe cited two instances where color was injected into his trial and contended that Arthur J. McLaughlin, assistant United States attorney who prosecuted him was erroneously permitted to appeal to race prejudice.

Opposing Goodloe's petition for a review, the Justice Department said no objection was taken to the question asked [illegible] White, who testified she was Goodloe's cook, as to whether she had seen "white girls, like Miss Huffman," at the Goodloe home as guests.

"Since it was likely that the petitioner, being colored, might customarily have colored guests and since Miss Huffman was white, it was permissible cross-examination for the prosecutor to ask" the question, the Government contends.

Charles E. Ford, Goodloe's lawyer, objected to the color question raised during cross-examination of Goodloe concerning arrangements claimed to have been made by Capt. Andrew Gleeson, a white Army officer, for the medical care of Miss Huffman. The Government contends that it was pertinent for the prosecutor to ask Goodloe whether he asked Gleeson "whether or not she was a white or a colored girl."

In the brief filed by the Justice Department through Solicitor General Philip B. Perlman, it is argued:

"The two cited instances afford not the slightest support for an inference that the prosecutor was appealing to race prejudice. Both the complaining witness and the petition were visible to the jury. It

During the trial, Mr. Ford
or a mistrial on the ground
juror was taking notes.
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remarking that "taking
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On other points involved in the appeal, the Justice Department contended:

1. That note taking by jurors is within the discretion of the trial

How Agents Nab Dope Suspects Told

WASHINGTON

The Federal agents and the local plain clothesmen, who compiled the evidence that led to the arrest of 70 alleged dope peddlers on March 17, were uncovered by the government prosecutors at a three day arraignment held before U.S. Commissioner Cyril Lawrence. this week.

Many of the alleged narcotic "merchants" when confronted by the agent, who "put the finger" on them screamed "I never saw the man before in my life."

The proceedings were held in the commissioner's trial room on the fifth floor of municipal center, 300 Indiana Ave., N.W.

Four-Day "Parade"

The parade of dope suspects began on Monday and continued far through Thursday.

Among those turned over to the grand jury by Commissioner Lawrence on Tuesday was Marion Francis (Sugarfoot) Green, 33, a resident of the Dunbar Hotel, who was described by Federal Narcotics Agent Boyd Martin as a "big operator."

Charles O. Montgomery, an Internal Revenue agent, working out of Baltimore, described how he was introduced to Sugarfoot through a letter of introduction from James Roberts Jr., on March 11.

James Roberts Jr. is reported by police as being the son of (Jim Yellow) Roberts, convicted last year on a narcotics count.

Makes $50 Purchase

According to Agent Montgomery after Sugarfoot was satisfied with his credentials, he purchased $50 worth of heroin, which came in 32 capsules.

After buying the heroin, the agent said he returned to division headquarters in Baltimore where he ran a "field test" that showed a positive reaction.

Green's attorney, Curtis Mitchell, sought to have the $6,500 bond under which his client was being held reduced to about $3,000. However, Commissioner Lawrence disclosed that the government had asked that Sugarfoot be placed under a $10,000 bond, but commented that due to Mr. Mitchell's "diligence" on behalf of his client he would reduce the bond to $5,000.

Sounds Like Fiction

Agent Montgomery gave a fiction-like account of how he got the evidence on William M. Nick Jr., of 1412 T St., N.W.

The revenue agent said that he had a similar letter of introduction from James Roberts Jr., when he approached the Nick residence.

It was on March 7, the agent stated that he went "looking for Nick." After the letter was given to Nick, he was asked "how much stuff" that he wanted.

The agent said that he wanted $50 worth. It was about 1 p.m. when he sought the "stuff," he told the hearing.

However, he was told to return about 6 or 7 that evening, which he did, he said.

Yet, upon his return Nick allegedly told the agent to wait until he could obtain the narcotics.

Waited Until 10:40 P.M.

Agent Montgomery claimed that he waited until about 10:40 p.m. in Nick's front room before he returned. Upon his return he was told to go to a window.

Once at the window, he said, Nick pointed to a taxicab standing down an alley. He was informed that he would find the "stuff" on the ground near the right front wheel of the cab.

According to the undercover man, he paid Nick $55 for the dope and followed instructions. He discovered two empty cigarette packs near the cab wrapped in a newspaper, he said.

Upon opening the folded packs he found 33 capsules of heroin, which he took back to the Baltimore field office for a "field test." It was about 11:45 p.m. when he returned to the revenue office, he said, and the test showed that he had obtained heroin.

Nick was placed under $4,500 bond and ordered held for grand jury action by the commissioner.

James (Rat) Copeland, of the 600 block of Delaware Ave., S.W., was "fingered" by William C. Green of the Metropolitan Police Department for obtaining capsules of heroin for him for six dollars.

Met On Street

According to Officer Green, he met Copeland at Seventh and T Sts., N.W., on Jan. 23. After telling him what he wanted, Green disappeared in a nearby doorway and returned with the capsules.

The officer said that he ran the test on the narcotic at his home by using a field kit that was supplied by the department.

Attorney Mitchell, representing Copeland, wondered whether the officer was in the "habit of taking narcotics to his home."

The officer replied, "Only when he was working on a case and he can not get back to headquarters conveniently."

Copeland was placed under $3,000 bond.

8 Arraigned Wednesday

Eight more persons arrested in the crackdown on dope peddlers were arraigned before Commissioner Lawrence Wednesday.

One of six ordered held by the grand jury on the narcotics charges Theodore Moore, 20, of the 500 block of M St., N.W., was arrested Tuesday night at 9th and M Sts., police reported. Bond was set at $2,000.

The charge against Gabriel Bobrow, 18, of the 1400 block of Girard Ave., N.E., was dismissed.

The charge against Grace Fountain, 26, of the 2000 block of Georgia Ave., N.E., also was dismissed because the complaining witness failed to appear.

Others Listed

Others who have been ordered held for grand jury and their bond were listed as:

Dorthy Buchanan, 29, 304 P St., N.W., $2500; Mary (Big Butch) Staten, 31, of 1931 17th St., N.W.; Winston (Cocky) Gorham, 39, of 30 I St., N.E.;

Charles O. (Two Bits) Robinson, 43, Dunbar Hotel, $2500; Ardella Banks, 27, of 1324 Monroe St., N.W., $1500; Hubert (Bucklejaws) Johnson, 33, of 1713 8th St., N.W., $2,500; William E. Patton, 48, of 1218 6 and-a-half St., N.W., $2000;

Also, Elaine Thorpe, 23, of 1738 Corcoran St., N.W.; Clarence L. Butler, 36, of 47 Blagden Ct., N.W.; Roosevelt Long, 40, 320 L St., N.W.; Paul R. Robinson, 25, 404 V St., N.W.; Daniel Cole, 22, of 2360 6th St., N.W.; Richard A. Lightfoot, 22, of 1836 9th St., N.W.; Jesse Smith, 22, of 5408 Grant St., N.E.; Johnny Stevenson, 33, of 1124 Columbia Rd., N.W.; Arthur Williams, 25, of 500 Florida Ave., N.W., and Marion Burgess, 380, of 4217 Edison Pl., N.E., all under $2000 bond.

Also Joseph Pistone, 19, of 1500 block of Oak St., N.W., $2500; James A. Curry, 24, 4600 block of 38th St., N.W., $2000; Edward G. Betz, 28, of 900 block T St., N.W., $3,500; George A. Willis, 32, of 400 block of M St., N.W., $3,500; Jerome D. Foster, 24, of 700 block M St., N.W., $2,500;

Also Mary L. Palmer, 24, of 1400 of Sixth St., N.W., $2,500; George T. Smith, of the 700 block 13th St., N.W.; and Walter Smith Jr., 32, of first block of Rhode Island Ave., N.W., $3000.

Robert Simpkins Jr., 23, of the 1100 block 6th St., N.W., $3,000; George B. Broadus, 23, of the 600 block 59th Ave., Fairmont Heights, Md., $2,500; Jessie Smith, 22, of 5408 Grant St., N.E., $1,000;

Thomas J. Dubey of the Unit block Kennedy St., N.E., $1,000 and Bessie Harris, 34, of the 500 block [illegible] St., Terrace, S.W., $2,000.

3 Seized in Dope Ring Selling $420,000 Worth Each Week

NEW YORK, [illegible] 1.—Three men were accused today of being principals in a Nation-wide narcotics ring making retail sales of more than $420,000 a week.

Police said the ring, reported as operating in all major cities of the United States, is believed to be linked to the mob of dope sellers reputedly dominated by Charles (Lucky) Luciano.

The three were arrested last night on the Lower East Side after four weeks of undercover work by rookie policemen and policewomen.

Other Members at Large.

Capt. Peter Terranova, chead of the police Narcotics Bureau, said more operators linked to the same gang were at large throughout the Nation. He would not say whether their identities were known to authorities.

Charged with selling and possessing narcotics, were:

Peter Galente, 38, of Manhattan, a Sing Sing prison parolee, said by police to be the key man of the three.

Alfred Vomero, 38, of Brooklyn, nicknamed "Al the Cop."

Benjamin Sekzer, 37, of Brooklyn.

Shipped From Italy.

Capt. Terranova said Galente received about 64 ounces of pure heroin from Italy each week for $25,000. Galente cut the dope and resold it to "pushers" for $42,000, Capt. Terranova said, and the weekly shipment was worth $420,000 after further cuts before going to the consumers.

Police did not say whether last night's arrests had any connection with the international narcotics-counterfeit money ring reported smashed by Federal agents last week end. Twelve persons were arrested and held in a total of $598,500 bail. United States officials said the ring smuggled heroin into this country with an underworld market value of $30 million over a three-year period.

Linked to Luciano.

The international ring also was linked by authorities to Luciano, the deported New York vice king now allegedly operating a dope traffic from Italy.

Police who figured in last night's arrests said 11 ounces of pure heroin was seized in a lower East Side apartment. Galente and Vomero were arrested together as the latter allegedly passed money to Galente for a package. Sekzer was arrested nearby a short time later. Police said investigators had paid $430 for an ounce of heorin, to use as evidence. The money was recovered.

Two Charged With Gaming In Pre-Dawn Raid by Lutz

'Puddinhead' Jones, Armed With Pistol, Arrested; Quantity Of Narcotics Found

Two men were charged yesterday with setting up a gaming table after a predawn vice squad raid on a delicatessen at 1123 S st. nw.

They are Alfred T. (Puddinhead) Jones, 47, listed at 3303 13th st. nw., and Charles A. Dorsey, 63, of 1846 8th st. nw. Both were released under $2000 bond by United States Commissioner Cyril S. Lawrence for hearing January 16.

According to police, Jones was found by raiders as he stood guard with a loaded .25 caliber automatic pistol at an iron gate leading to the second-floor quarters of the delicatessen. Jones, a roly-poly 5-by-5 character, has often been mentioned in connection with Washington gambling.

Dorsey, police said, was arrested at a crap-table above the restaurant where he was cutting the game a nickel on the dollar.

Police arrested 64 persons there but released all except Jones and Dorsey.

At 5 a. m., as soon as the crap-game raid was over, Arnold Bauman, counsel for the Senate District Crime Investigating Subcommittee, arrived at Police Headquarters with Assistant United States Attorney Thomas A. Wadden, jr.

The two investigators questioned Jones for two hours. They refused to comment on what they learned from him. It was discovered, however, that Bauman was notified during the evening preceding the raid while he was in New York City.

Armed with a warrant, Inspector Clarence H. Lutz, head of the gambling squad, led the raid at 4 a. m.

On December 24 the groundwork for the raid was laid by an undercoverman who lost $38 in a half hour gambling above the delicatessen, Lutz said. On Christmas night, when the game resumed, the undercoverman was back and lost $25—all he had—in 20 minutes.

Play was so furious, Lutz said, that Jones had neglected to lock the grillwork gate at which he was posted.

When police arrived, a cry went up from the people there that a raid was on. Lutz said no one tried to escape, but that police found on the tables and floor, the following items:

One loaded revolver, seven knives, 12 marihuana cigarettes, a vial of narcotics and $50 in money.

Taken out of the delicatessen were 14 persons. Another 50 were found on the second-floor.

Four patrol wagons were used to take those arrested to police headquarters.

Lutz said that since the undercoverman involved did not personally buy whisky, no bootlegging charge would be placed. Also, because of a decision that those present at a crap game in a private home cannot be convicted of disorderly conduct for it, the 62 persons were released.

The Washington Post

ALFRED T. JONES

13 1951

Florida

In Tampa, Fla.

War Over Rackets Is Looming

TAMPA—The mystery which shrouded two previous attempts to burn down the business place of Johnnie Gray, well-known Tampan, was believed solved last week when Horace Johnson, 54, of 1011 Harrison Street, Tampa, was arrested and charged with arson.

Arresting officers said Johnson confessed, naming an Italian as the person who paid him $50 to set fire to the cigar store owned by Gray.

Police also believe they now have a clue to the gunfire attempt to kill Johnnie Gray a few weeks ago as he lay asleep in his new home in Central Village. According to the grapevine a racket war among Tampa's gambling racketeers is looming.

LIEUT. ALBERT WHITESIDE
. . . fined in Tampa

What should have been a routine traffic case was continued twice on points of law concerning legal arrests. The courtroom was jammed with interested local citizens and representatives from MacDill Field. Air Force representatives took wire recordings of the entire sessions. Following the judge's sentence, Whiteside's attorney, Frank McClung, announced that he would appeal the decision to Circuit Court as the airman posted bond for his release.

Airman Fined

Tampa Tense After Arrest

TAMPA, Fla.—The conviction of Lieut. Albert Whiteside, U. S. Air Force officer, stationed at nearby MacDill Field, on charges of resisting arrest, following a traffic violation, led to loud protests from local Negro leaders and the NAACP and Air Force officials.

Whiteside was sentenced to sixty-five days in jail or a $65 fine following a hearing that lasted three days on charges filed by Tampa policeman Elmer Berry, who alleged that the airman had resisted arrest and assaulted him after he, the patrolman, had confronted him for careless driving.

Whiteside told the court, presided over by Municipal Court Judge Robert J. Potter, that Berry had confronted him out of uniform and had insulted him and threatened to kill him.

Solicitor Webb Says Human Toll Cost Is Greater

BY ROBERT E. JOHNSON

"We can and will move our ugly, shameful and costly mountain of crime, if we will, as individuals and as members of organizations and churches, put into practice the teachings of our democracy and of our religion," Solicitor General Paul Webb of Fulton county told a radio audience Wednesday in a speech delivered at the Hungry Club forum of the Butler Street YMCA.

In a prepared message dealing with the topic of "Crime Prevention," the solicitor general deplored the high rate of crime and the problem of delinquency which yearly bite a hunk out of the city and county tax dollars and leave behind human suffering and misery.

Pointing up the seriousness of crime and delinquency here, Solicitor Webb said: "During 1949, 10,823 persons were arrested for serious crimes and 40 per cent of these were Negroes. Excluding traffic violations, 54,965 were tried for lesser crimes in City Recorders Court. Of this group, 50 per cent were Negroes. The 1949 Juvenile Court report shows that of the 1,032 delinquent cases they handled that year, 47 per cent were Negro children."

Speaking of the cost of the tremendous problem, the sagacious solicitor who was educated at Emory University's school of law and practiced his profession 20 years before being elected to his present law enforcement office observed, "We cannot measure the cost in human suffering—the mental anguish of mothers, fathers, relatives, the delinquents and criminal themselves and their victims."

As to the cost in terms of money citizens here pay for crime and delinquency, Solicitor Webb informed his listening audience that "in Atlanta and Fulton County, just from tax dollars we are spending each year over three and a half million dollars—just for our Police, Courts and prisons."

Turning to the question of causes and factors that contribute to the development of delinquents and criminals, the solicitor disclosed some findings made by the Crime Prevention Commission which has been conducting a survey from the causation point of view. The survey pointed up four observations:

1) Intensive studies locally and in other parts of the country show that between 80 and 90 per cent of delinquents come from homes which are either broken or filled with constant strife and tensions. Over two-thirds come from families who live in marginal economic circumstances.

2) The majority of delinquents and criminals studied lived in overcrowded, unsanitary, inadequate homes—in neighborhoods with corrupting influences and with no nearby playgrounds, parks or recreation centers.

3) Studies show that children begin getting into trouble at a very early age—over two-thirds of them at the age of 10 or less—furthermore, 70 per cent to 80 per cent of adult criminals started their lives of crime as juvenile delinquents.

4) The survey showed there is never one cause or one reason for the development of delinquents and criminals. Since it is such a many-side problem we need to have a many-sided attack.

Solicitor Webb commended the organizational efforts of Bishop J. H. Kendricks and J. H. Calhoun, who are spearheading a fight against crime in the city through the Atlanta Committee on Crime Prevention.

Suggesting some positive approaches to the problem of crime and delinquency, Solicitor Webb declared that a "happy home in which a child is truly, unselfishly loved, wanted and guided by father and mother is a big factor in lessening crime and delinquency."

"Our churches must do more to reach and influence children, particularly those who are unwanted, unloved and uncared for by their parents. Our schools can help prevent delinquency by spotting early the unhappy, maladjusted child and make available to him the social agency and other resources of our community," Solicitor Webb further suggested.

He pointed out the need for more recreation programs and facilities in crowded areas, and an increased flood of street lights in darkened thoroughfares and alleys where crime lurk and is committed with little, if any, visible detection.

Warning that we can accomplish nothing in solving the crime problem as long as we keep a "let George do it" attitude, Solicitor Webb urged both white and Negro citizens to ban together in wholehearted cooperation to help solve the problem.

21 Nabbed Hail From Five East Coast Cities

FBI Says Fayetteville, N.C., Was Center of Vice Operations for GI's

BALTIMORE

A vice ring operating between Baltimore, Maryland and Fayetteville, N.C., involving numerous violations of the Mann Act by 21 persons residing in Baltimore, Washington, New York City, Philadelphia and Fayetteville, N.C., has been broken up by simultaneous arrests made on Thursday in Fayetteville and Baltimore.

Crawford H. Carson, special agent in charge of the FBI office in Baltimore, made the announcement on Thursday afternoon.

Fayetteville, which is in close proximity to Fort Bragg, N.C., was the main center of the prostitution activities involved, with the prostitutes having been transported to that city from Baltimore.

Cater to Military Personnel

All of the persons involved were catering to military personnel at Fort Bragg. The traffic was particularly heavy at this time of the month, according to Mr. Carson, as a larger number of prostitutes were found to flock to Fayetteville shortly after the pay day at Fort Bragg.

Special agents of the Charlotte FBI office, in co-operation with Chief of Police L. F. Worrell and and Sheriff L. L. Guy of Fayetteville, in a pre-dawn raid on four houses of prostitution located in Fayetteville, arrested 12 people.

Arrested Persons Listed

The persons arrested at Fayetteville are:

Esley Mitchell, 33, known as "Washington Kid," and his girl Peggy Mitchell, 30, who resides at 174 Bryan St., N.W., Washington; Frank Mobley, 35, and his girl, Brenda, 21, who is also known as Mildred Marbalee, who have given the addresses of 1123 Harlem Ave., Baltimore, and 149 W. 140th St., New York City;

Catherine Taylor, 31, of 910 N. Shields Pl., Baltimore; Catherine Clash, 33, of 406 N. Poppleton St., Baltimore, Louis Brown, 23, also known as Johnny Brown, who claims to be a resident of Fayetteville; Thelma Cousar, 34, who operated one of the houses of ill repute in Fayetteville;

Walter Douglas, 36, also known as "Buster," of Fayetteville, an operator of one of the houses of ill repute; Mary Emma Wylie, 34, who operated a house in Fayetteville; Alice Battiste, 24, of Fayetteville, and Lilliam Williams, 25, 1360 Carroll St., Baltimore.

5 Nabbed in Laurinburg

Through the co-operation of Chief of Police Tom W. Davis, Laurinburg, N.C., five additional people were arrested at Laurinburg, having left Fayetteville several hours before to go to Bennetsville, S.C., where four of the five were married.

They were returning from their short-lived honeymoon when they were arrested by Chief Davis. They are identified as:

Cecil Van Crowell, 25, of 1127 Pennsylvania Ave., Baltimore; and the woman who married Van

Crowell shortly prior to their arrest at Bennetville, Rose Wallace, 24, of 1127 Pennsylvania Ave., Baltimore; James P. Sewell, 24, Fayettevill, N.E.; Alice Reid, who was also married at Bennetville, she having married James Sewell, 23 of Fayetteville.

The first person arrested at Laurinburg was Ruby Sample, also known as Ruby States, 26, who is described as the operator of the house of prostitution in Fayetteville. All five were arrested shortly before noon Thursday. They were arraigned in North Carolina.

is described as the operator of the house of prostitution in Fayetteville. All five were arrested shortly before noon Thursday. They were arraigned in North Carolina.

Four arrests were made in Baltimore. Conrad R. Thompson, 41, 550 Oxford St., was arrested on a warrant issued at Fayetteville, charging him with transportation of Corrine McCargo from Baltimore to Fayetteville on April 29 for immoral purposes.

Corrine McCargo, 25, 1023 Madison Ave., Baltimore, was also arrested at the same time as a material witness.

Both were given a hearing before United States Commissioner Ernest Volkart, at which Thompson was ordered held under $2,500 bail and McCargo held on $1000 bail pending a further hearing to be held May 9, before the United States Commissioner.

Another Couple Held

Ruth Peachie, 1601 Retreat St., Baltimore, was arrested at this address on a warrant issued at having committed a crime on a Government reservation, namely Fort Bragg, in that she practiced prostitution thereon.

McConwell Peachie, 37, of the same address, has been arrested here on warrant issued at aiding and abetting Miss Peachie in the practice of prostitution on the above Government reservation. They were arraigned in Baltimore on Thursday.

The AFRO learned that women have been pouring into the town, usually around payday. They offer themselves to the soldiers at prices ranging from $5 to $25 "plus what we can slip the drunks for."

"We usually pick up about $300 or $400 each during the first week in the month," one woman told the AFRO.

Chief Worrell stated that "to my knowledge there are no houses of prostitution in Fayetteville. We have a clean city."

County Is Different

But the chief took a different point of view when we began discussing the county. He agreed that many things go on there that he would not permit if he had police control over them.

"Majority of the colored soldiers at Bragg frequent a place about a mile out of the city limits known as the 400 Club. It is a bad environment with no police protection. It is a breeding place of prostitution, dope, illegal whiskey and assalt."

One white officer, who was formerly an Army MP told the AFRO that this "joint" was permitted to continue in operation "because there is just no place for colored troops to go."

Persons living in the vicinity of the club exposed horrible tales of incidents at the club, especially at times when the soldiers are paid off at the camp.

They claim that prostitution is practiced "upon the grounds in open fields" and that it goes on from dark until dawn without regard for citizens and their homes and children.

At least four unsolved murders are on record in this county. Two are colored soldiers, one white woman and one white man. "We do not know what happened," Chief Worrell stated, "But we know that at least two of them started at the 400 Club vicinity."

Chief Worrell put in a word of praise for troops at Bragg. "During World War II," he stated, "we had a great deal of trouble with them, we had to put a bull pen in the hall for 'white' and one for 'colored.' Recently there have been so few colored soldiers arrested that we have put the bull pen to other use."

The police chief also praised the work of the colored policemen who have been on about two years. He stated they have cut crime in the colored community 75 per cent.

What Is Justice?

WHAT is justice?

For elusiveness, this takes rank with the ancient question, "What is truth?"

It was as baffling to the jurors sitting on last week's criminal cases in Montgomery Circuit Court as it was to the most ancient tribal lawmaker.

When is the life and liberty of the individual more important than the strict application of laws?

If the strict enforcement of the law works a manifest injustice, must the law be enforced?

Are there degrees of guilt?

Which is more important, to protect society by meting out severe punishment, or to protect individual rights by tempering retribution with mercy?

Will punishment correct and rehabilitate the criminal, or will it aggravate his lawlessness? Is revenge a proper ingredient of justice?

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IS JUSTICE an absolute or is it relative? If you insist that justice is an absolute, explain this situation:

A perjury conviction carries a 4-year sentence in Connecticut, 20 years in New York, life in Maine, death in Missouri, and a $500 fine plus 40 lashes in Delaware.

In West Virginia bigamy is punished 15 times as heavily as incest. Wyoming and Colorado punish incest 10 times more severely than bigamy.

Justice not only varies between countries and between states, but between sections of a state. Some counties in Alabama consistently mete out sentences two and three times heavier than neighboring counties for the same offense.

An act might be defined as a crime in one state and not in another. In other words, *geography is a determinant of guilt.*

Some Alabama counties systematically levy inordinately heavy punishments for crimes involving property — burglary, larceny, robbery, etc.—but are unusually lenient in homicide cases. In others, the reverse is true.

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LAW is supposed to serve two functions: to punish transgressors, and protect society.

The first embodies the idea of *retribution,* quasi-divine, for the moral wrong. Montgomery Circuit Judge Eugene Carter usually charges a criminal court jury, "You 12 men now occupy a position second only to God Almighty." In this concept, the jury is expected to be the earthly instrument of divine wrath.

The defendant is expected to repent for his wrong and the length of his penitence is set by the jury.

The other function of the criminal law — to protect society — assumes that the more severe the punishment, the more others will be *deterred from doing the same thing.*

★

OF THE two functions, this last is the most defensible, usually. But it is subject to many fallacies.

Look at it from the prospective criminal's standpoint (as Justice Holmes said, "The right approach is that of the bad man.") A would-be thief is contemplating a job. He is a desperate man, and at the moment consequences mean almost nothing to him. Would it really deter him from committing the act if he knew he would get 20 years, if caught, instead of five or ten?

Some criminologists say that statistics do nothing to prove or disprove the death penalty as a deterrent to crime.

In 1780 there were 240 offenses punishable by death in England, and England had the greatest crime wave in her history. Some 72,000 prisoners were executed during the reign of Henry VIII alone.

Today England has only three capital offenses, treason, piracy and murder. And she has the shortest average sentences and the fewest crimes of any civilized nation in the world.

THE Montgomery Circuit Court about two years ago adopted a policy of sending rustlers to prison for five years for each separate offense. Many rustlers were sent off.

That policy has since been changed, and now three years is the standard sentence.

Now, assume that two years ago a stiff punishment was necessary to protect society.

Rustlers who go to prison this year, under the new three-year policy, *will get out a year before those who went to prison last year under the five-year policy.*

The 1950 rustler and the 1951 rustler both broke the same law. Yet, one is almost twice as guilty as the other (measuring guilt by punishment). Why?

Possibly because society needed protecting more in 1950 than in 1951. All right, assuming that to be true, *does society benefit by the 1950 rustler's remaining in jail after the 1951 rustler is released?*

This is only a petty example of the perplexities and incongruities of the law.

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CONSIDER this occurence:

A defendant on a murder charge is offered a sentence of a long term of years, perhaps life, if he pleads guilty. In a gambling mood, he decides to take his chances before a jury. The jury convicts him and sentences him to death.

Is he guiltier because he elected to go to trial?

Recently a young Negro was sentenced to death by a Montgomery Circuit Court jury. Many lawyers who heard the case agreed that one tactical error on the part of the court-appointed defense lawyer brought the death penalty.

Several shrewd observers said the Negro would have received not more than life if he had had the money to retain a certain local law firm. But he didn't have the money.

Therefore, might it not be argued that the Negro will die in the electric chair because of poverty? *Poverty, then, is an element of his guilt.*

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MORE than half (57%) of all the prisoners in prisons, jails, and penitentiaries in the United States are serving sentences because they could not pay court fines. They are in prison *for debt,* although debtors' prisons were abolished a century ago, in theory.

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A RECENT case epitomizes the justice dilemma.

A defendant admitted his guilt and wanted to plead guilty to a charge of attempted rape in an airplane. But, so the story goes, the attempt had been continued as the plane sped across four states.

The laws on attempted rape in these four states varied from a small fine and-or a short jail sentence in one, to the death penalty in another.

Did his *guilt* vary as he passed from one state to another, or did *justice* vary? Was he guilty to the tune of a $100 fine, or should he die for the act?

(This, of course, does not take up the question of states lacking jurisdiction in the air.)

Justice contains many ingredients other than the lofty ones ascribed to it in the purple passages of judges and lawyers.

Some of them are: geography, custom, time, wealth or poverty, what the judge and jurors had for breakfast, the temperature of the courtroom, and the way in which the defendant parts his hair.

Justice Dept. Jails Offenders

U.S. Cracks Whip In Dixie Brutality

By JAMES EDMUND BOYACK

(Exclusive to the Courier)

WASHINGTON—George Triedman, chief of the Civil Rights Section of the Department of Justice, declared here last week that "the crime of lynching is a thing of the past in the United States."

He said he does not believe that the American people will permit the "lynch mob" to revive.

ANTI-MASK LAWS

In an exclusive interview, Mr. Triedman said he was "greatly encouraged" by the anti-mask laws passed by many Southern states and municipalities. He also said that the overwhelming force of public opinion created by law abiding citizens led by press, radio, church, labor and other community leaders "makes the return of the 'lynch mob' to the national scene virtually impossible."

"Moreover, we have served notice on sheriffs, police chiefs, and other local law enforcement officers that the day also is past when they callously can brutalize Negro Americans," he said.

During the last year, he secured twelve convictions out of thirteen indictments; as many as the Justice Department has secured in the years since the Civil Rights Section was organized in 1938. He gave "full credit" to local juries who "did their duty."

Triedman is the first chief of the section to fly to cities where difficult cases were to be tried, to plan court strategy at night with his federal attorneys. During the day he sits unnoticed in the back of the court listening to witnesses and carefully studying defense strategy as it develops.

TO TRY SHERIFF

At the same time, Triedman said Sheriff Joe Avril Moore of Portageville, Mo., is scheduled to be tried this month. He was indicted on eight counts charging police brutality and forcing immoral acts upon a colored woman in the county jail.

The woman was forced to submit to the immoral acts with male prisoners through the bars of an adjoining cell, as the sheriff and others "enjoyed" the show. Sheriff Moore may be sentenced to one-year in Federal prison and a $1,000 fine on each count under Section 242, Title 18 of the U. S. Code.

Mr. Triedman also declared that the U. S. Circuit Court of Appeals at Albuquerque, N. M., had upheld the conviction of three defendants convicted of torturing a young colored boy in an effort to get him to confess to the murder of a white girl.

They are Acting Sheriff of Dona Ana County, Alphonso Luchini Apodaca; Acting State Chief of Police, Hubert W. Beasley, and Roy L. Sandman, Deputy Sheriff. Each will serve a year in Federal prison. The three were tried in Santa Fee in September 1950.

Another civil rights case shortly to come to trial is the seven-count indictment against Sheriff Joe Calagross of Mount Pleasant, Tenn., who conspired with a loan company by arresting their clients to force them to pay debts. He is liable to five years in prison and a $5,000 fine.

ALABAMA CASE

Triedman claims the first victory of the Federal Government in a civil rights case in Alabama. Two Lafayette police officers arrested an 18-year-old colored boy on suspicion of letting the air out of the tires of a police car.

Trying to get the youth to confess the crime, which he denied, the officers beat him so badly that he died only six hours after arrest.

The officers were tried and acquitted of murder. This was when Triedman stepped in. He convicted them for violating the boy's constitutional rights. One received o[illegible] to ten months; the other six [illegible]s, indicating the need for s[illegible]thening our civil rights laws.

GEORGIA KKK CASE

In Rome, Ga., he secured the first conviction against members of the Ku Klux Klan. Triedman was present at the trial, in his incognito capacity.

Two Texas police officers have appealed another conviction for torturing and beating a Negro whose car hit a hunting dog owned by one of them.

Two Kentucky sheriffs thought they could get away with carrying off ballot boxes so that colored voters would be denied their franchise. They are now doing two years in jail and never again can resume their offices.

During the last year, Triedman handled eighty-eight peonage cases having to do with forced Negro labor in work camps. He also has jurisdiction over violations of the fair labor act and the railroad safety appliance act.

George Triedman was brought to the Department of Justice at the personal invitation of Attorney General J. Howard McGrath from his home town of Providence, R. I., after a series of appointees had succeeded each other in the important post.

GAVE UP PRACTICE

He left a $50,000-a-year practice to answer the call of the Attorney General, who as U. S. Senator from Rhode Island introduced several civil rights bills.

"There are no strings on me," he told this reporter. "The only regret I have is that the laws under which my section acts are limited, and the area of jurisdiction small.

However, in this area, I intend to continue to use all the resources of the Government to protect the civil rights of all our citizens, regardless of race, color, or national origin.

"As long as I am chief of this section, nobody, anywhere in the United States, successfully can flout our laws, whether he wears a night shirt or a sheriff's badge," he concluded.

REVIEWING THE NEWS

BY WILLIAM GORDON

The March of Crime

The march of crime in Negro communities throughout the nation is still a big factor to be challenged. Crime among Negroes seems to be on the increase. In Atlanta alone, upwards of 5[illegible] Negroes have met their deaths from the hands of other Negroes during the past 6 months. The motive for these killings, have in most instances, been very insignificant.

What the communities are most concerned about at this time is that very little or nothing is being done about these killings. Negro life has become very cheap in every town and hamlet.

Factors behind these killings include economic and political discrimination. These factors are not only evident in Southern communities; they prevail throughout the nation where Negroes are forced to live in inadequate houses, given a small share of the decent jobs and denied the right for use of the ballot.

In Washington, D. C. the nation's capital crime among Negroes is also a leading factor. According to a recent magazine report, the center of world affairs has lead the country in crimes of violence for the past two years.

The article makes the observation that "what Chicago was to the gangster era, Washington bids fair to become in the new era of hoodlum, crime, mugging, street assaults, wanton murder, rape and psychopathic sex crime."

This crime epidemic which had its inception during the early twenties and early thirties, stems primarily from the above conditions.

Where Negroes have not had equal opportunity for employment, they have been forced to live in conditions not suitable for human habitation. Bad surroundings breed bad reasoning and faulty thinking. People become frustrated under these conditions. They become angry at the circumstances which they are subjected to and begin showing resentment to these circumstances. The inability to strike back at the forces which are directly responsible for such conditions, they begin to fight, butcher-up and kill each other. "Man is largely a product of his environment." The Negro is no exception.

Corruption, crime and slums go together. Political corruption and bad administration in state, county and city governments are also responsible for the long string of murders evident among Negro citizens. The fact that in some sections of the country, and particularly in the South, Negroes are not allowed to make fair use of the ballot, government officials become lax in their positions and fail to provide the necessary housing and recreational facilities for the Negro. In sections where he has shown some initiative to vote, he is allowed to be intimidated by the Klan and other forces of corruption of law and order. Something should be done about these killings and something should be done about the conditions under which Negroes are forced to live. Every decent American citizen should take note of this situation. When one part of a nation continues to drain off its manpower through violence, such a condition will eventually affect the entire population.

Kidnap Case Jails Girl, 18

An 18-year-old Negro girl Sunday was jailed by city police on charges of suspicion of kidnaping in connection with the disappearance last Wednesday of a four-month-old Negro baby.

Det. Lt. L. T. Bullard and Dets. H. E. Burdett said the child, Quentin James Lee, infant son of Mr. and Mrs. Sinclair Lee, 131 Thayer St., was found in the girl's room.

The officers said the girl, Alma Robinson of 128 Fulton St., S. W., first told them the child was her own and was born Thursday at Grady Hospital. She then admitted the child was not hers, explaining that she had taken it from a man on the street.

Lt. Bullard and Burdett quoted the girl as saying she wanted a baby but apparently could not have one.

The child's father reported the baby missing Thursday when he said a Negro girl took the baby from him by a trick. Officers said the father told them the girl asked him to go to a house and ask for her baby. The girl held Quentin while the father went to the house. When the father returned, the girl and baby were gone.

Church People And The "Bug"

Something of the gravity and widespread existence of the Numbers Racket in Atlanta can be seen from the arrest of 28 men and women in an early morning raid here Tuesday. For one thing, it proves beyond any preadventure of doubt, that gambling, which surely includes the Numbers, is the greatest single threat to the security and stability of life in our community.

Solicitor Webb is eminently correct in his expressed determination to "get the Big Boys" in this despicable ring. That is always the inevitable thing that happens in the Numbers Racket, in the Whiskey Ring, or whatever the underworld game may be, the "little fish" are caught and punished and the "Big Boys" or "Barons" escape and after the smoke is cleared, return to organize other suckers.

We object to the "Bug" and other forms of gambling because it undermines the character and soul of the individual; it robs honest men out of their sum and substance on which they should support their families, educate their children and live respectable lives in their communities. Thousands of children on Atlanta's streets today are roaming around and moping in ignorance due to the fact that well meaning parents started off innocently playing the Numbers "just to see what happens," ending up in want and misery.

Judging from the pictures of the 28 persons arrested here Tuesday, all of them appear to be church-going people. One could suspect a few of them to be deacons or stewards in their churches. And it is more than an even guess than most of them have, at one or another time, served the churches in other minor ways.

But we are prepared to say here and now that no person, caught in the act of gambling, which means "playing the Numbers," is fit to lead in any manner in the Christian Church. The sooner preachers learn this important lesson and muster up the courage to remove such persons from leadership in their churches, the better it will be for the whole church.

The Christian Church is suffering more from bad examples by church members than from any single cause, and we say this deliberately. It is a common place nowadays to hear people outside of the church charge that those in the church "are no better than we are, for they drink and gamble with us and do all of the things we do." We can change this but it can only be done when we ourselves change our attitude toward the Numbers; toward the liquor ring and toward all other forms of vice and crime, contrary to the laws of God.

The Number Racket is a suckers' game and the great pity is that so many people fall for it. But church people's lives ought to count for more than this in a community.

28 Jailed for Lottery In 'Biggest' County Raid

By BILL DIEHL

A special undercover team of county police officers Tuesday cracked down on the numbers racket with the arrest of 28 Negro alleged "bug" operators in a Southside Negro home described as a lottery pickup station.

Meanwhile, Atlanta detectives Tuesday confiscated two automobiles in the city and arrested four Negroes on lottery charges.

The Fulton raid described as largest in the county's history, was carefully planned by the nine-man team and climaxed a 30-day undercover investigation of lottery racketeers. Nine alleged operators were arrested last Saturday.

On hand when the 28 suspects, more than half of whom were women, were arrested and booked with "lottery" were Sol. Gen. Paul Webb, Sheriff A. B. "Bud" Foster and County Police Chief Neal Ellis. The nine-man team, led by Lt. J. W. Gilbert, was composed of two men from the Sheriff's office, two members of Webb's staff and five county policemen.

In addition to pickup slips, books and other evidence, the raiding officers confiscated a 1941 sedan and several hundred dollars in cash.

POLICE LAID TRAP

The raiding officers secreted themselves in the drab, gray frame house at 148 Brown Ave., S. E., before dawn and awaited the arrival of the "writers" and "pick-up men" who were due in at the station from the previous night's lottery collection.

Three Negro children were held in the home and told to yell "C'mon in" every time one of the lottery operators knocked on the door. As they entered, the police frisked them quickly for evidence and then ordered them into another room where they were held until nearly noon.

A total of 60 persons entered the house during the six-hour watch but only 28 had lottery slips and other evidence on their persons. The owner of the home, Cora Starks, was arrested, but later released after questioning.

LOTTERY TICKETS FOUND

A 14-pound sack of lottery tickets, books and money, some of it tied with handkerchiefs and string, was collected from those arrested. The raiders indicated the house was spotted following close investigation and trailing of suspects.

Sol. Webb said the arrest was a "good step" toward breaking up the county numbers racket but added he was after "the big boy." He rounded the 28 operators into the Grand Jury room at the courthouse and offered immunity if they would tell who "the boss is."

Later in the day, Webb indicated the officers were making progress in the interrogation of the lottery suspects. He said he thought he might get valuable information from some of those arrested because the leader of the lottery outfit can not afford to support the families of the arrested persons while they are serving terms in jail.

"The usual policy goes something like this," Webb said. "The big boss of the lottery group pays the bond, hires a lawyer and then pays the family of the convicted person $50 a week while he or she is in prison. In this case, it will cost whoever is running this gang about $150,000. I don't think there's a lottery man in town that can stand that much of a layout.

"If we don't get anything out of these people now maybe they will start squawking when their families get hungry," Webb said.

The "bug" or numbers racket is a gambling game based on the daily closing New York Stock Exchange bond figure. Persons betting place their money on the middle three numbers of the seven-place figure. Odds for winning are about 1,000 to one although theoretically the payoff is $4.50 on every penny bet.

Arrested in Tuesday's raids were the following Negroes: Rufus Hinton, 55 Park Ave., S. E.; Elnora Sims, 7 Park Ave., S. E.; Georgia White, 1474 Lansing St., S. E.; Irma Patterson, 82 Brown Ave., S. E.; Herman Crockett, Ellenwood, Ga.; J. S. Butler, 105 Park Ave., S. E.; Lucille Dickerson, 1471 Jonesboro Rd., S. E.; William Harris, 91 Park Ave., S. E.; Robert Morris, 88 Brown Ave., S. E.; Lacancy Beckton, 98 Brown Ave., S. E.; Carrie Moton, 1455 Jonesboro Rd., S. E.; Rosa Watts, 1440 46 Bowen Ave., S. E.; Edward G. Lansing St., S. E.; Fred Otis Asbury, 1419 Glenwood Ave., S. E.; William Venson, Forest Park; Cherry McCollister, 44 Maurey Ave., S. E.; Chorrine Kelly, no address; Ed Ellington, 46 Brown Ave., S. E.; Roberta Bryant, Neroes for disorderly conduct- Ave., S. E.; Carrie Lee lottery. The seizure was made at 16 Brown Ave., S. E.; Fulton and Martin Streets, S. E. 116 Brown Ave., S. E. The two arrested were listed as e, Atlanta Dets. Har- Rufus Kemp, 21, of 575 Frasier er and R. E. Sheppard St., S. E., and J. D. Bryant, 18, of tomobile with an add- 522 Martin St., S. E. e ribbon containing a Dets. R. A. Boone and J. E. ots and arrested two Sikes confiscated a second auto

for lottery at Bonaventure Ave. and North Ave. and arrested Joseph Doyle, 48, Negro of 175 Chestnut St., N. W., and Seinie Mae Coon, 27, Negro of 688 Tumlin St., N. W., for disorderly conduct-lottery.

Police Shots Subdue Man Carrying Rifle

A brief but furious pistol fusillade Friday resulted in serious injury of a Negro when police sought to dislodge from a barricaded house at 61 Piedmont Ave., S. E., Capt. E. L. Sikes said.

Sikes said the Negro, Jimmy Lee Walker, 27, was admitted to Grady Hospital with a bullet wound in the right arm and a fractured skull after patrolmen forced an entrance to the house. Police guards were posted at the hospital.

The battle developed as Ptl. A. L. Posey and W. J. Clower answered a call to the Piedmant Avenue address and Frances Winn, 27, described by police as Walker's common-law wife, ran from the house shouting: "Don't go in there. . . . He'll kill you!" Patrolmen said she had been stabbed in the stomach and was taken to Grady.

Walker had been arrested earlier in the day on a drunk charge, but he was released after posting $13 collateral. Witnesses said he returned to the house with a .22-caliber rifle and threatened to kill anyone who had him arrested.

When patrolmen started into the house, they said, Walker appeared in the doorway and levelled an automatic rifle at Posey. Posey said he took out his revolver and began firing. Clower also opened fire.

Walker ran into a room where a Negro woman was nursing a small baby, patrolmen related. They said several other persons also were in the building afraid to come out.

After the woman and baby were out of the room, Ptl. R. P. McGee and Clower rushed the door behind which Walker was hiding. They said he was in a corner of the room and did not offer further resistance.

An examination of Walker's rifle showed a shell had jammed in the firing chamber, Det. J. E. Helms related. He added Walker fled, presumably when the gun jammed, as Posey and Clower first started into the house.

Staff Photo—Buddy Colley

28 NEGROES GIVE NAMES AFTER EARLY-MORNING LOTTERY RAID

Mrs. Cora Starks, House Owner, at Sol. Webb's Elbow, Looks at Camerman

Housewives, Boy, 3, Snare Rob Suspect

Two Atlanta housewives and a three-year-old boy Friday trapped an alleged daylight burglar said by police to have admitted a series of raids in the northeast section.

Mrs. J. N. Cameron, of 155 Murray Hill Ave., N. E., noticed a Negro early Friday asking for work along the street. She recalled that a Negro answering the man's description was observed entering the home of Mrs. Bervin C. Kendrick at 151 Murray Hill Ave. last Fall and disappeared with a wallet containing $17.

As Mrs. Cameron ran over to tell Mrs. Kendrick, the Negro, apparently disappeared. As the two women searched the neighborhood, Mrs. Cameron's three-year-old son, Jimmy, called excitedly: "There he is" and pointed to the Negro walking up a driveway.

Mrs. Kendrick persuaded the man to walk back to her home and, in the meantime, Mrs. Cameron telephoned to police. Uniformed officers arrived within minutes and arrested the suspect, listed as Harold Smith Turner, 22, of 339 Markham St., Southwest.

Questioned at headquarters, Turner readily admitted two daylight forays at 2004 Tuxedo Rd., N. E.; 492 Hardendorf Ave., N. E., and 119 Sisson Ave., N. E., as well as a number of attempted burglaries, Dets. J. J. Morris and W. E. Harwell said.

Detectives recovered a considerable amount of loot—radios, cameras, clothing and the like—in pawn shops over Atlanta.

When arrested, Turner had in his possession a dagger and a pair of gloves. Detectives said he used the dagger to rip open a screen in one North Atlanta home and entered, ransacking the rooms while a woman lay sleeping.

Morris and Harwell said Turner also would be questioned in connection with numerous other daylight burglaries in the same section committed in exactly the same manner.

Turner has no previous police record except for a murder charge resulting from a knife duel two years ago, detectives related. Turner, acquitted on the charge, dismissed the incident with: He—a Negro man—hit at me with a knife and missed. I hit at him and I didn't miss."

Teen-Age Negro Confesses Eight Burglaries Here

A 17-year-old Negro boy, who police arrested attempting to burglarize a local cafe last week, has confessed to seven other recent burglaries, city detectives said Monday.

George Love, 1327 Tom street, was caught red handed by police Saturday at Casino Cafe on Whitfield Mill road. After detectives recovered a radio and other loot in his possession taken from Walker's grocery, 1501 Dalton street, last week, Love confessed to a total of eight burglaries.

Love told Detectives, Lt. E. L. Browne and S. B. Barnes, also he broke in: Mable's Cafe, 101 Amite street; Trimm's Grocery and Market, 2103 Lynch street; Harrington's Drive-In; Lankston's Grocery, 821 Poindexter street; Otis Grocery, 1600 Everett street; W. J. Douglas Cafe, 2111 Lynch street.

Love said he pulled the burglaries alone, but when arrested he was with four other youths who are charged with the Casino Cafe break-in.

601 Out of 727 In Fulton County Jail Are Negroes

ATLANTA — Six hundred and one of the city prisoners in the Fulton County camps are Negroes, according to reports released last week through the office of J. B. Hatchett, assistant director of the State Board of Corrections.

POISON BREW RECIPE GIVEN BY BOOTLEGGER

Says He Saw Hardie Mix Compound That Killed 38

ATLANTA, Dec. 11.—(UP)—An admitted bootlegger testified Tuesday that John R. (Fat) Hardie, 360-pound exconvict, used a recipe of moonshine whisky, wood alcohol and well water to mix the poison brew which killed 38 persons who drank it here last October.

Roger William Smallwood, 24, took the stand in Fulton Superior Court as star prosecution witness as Hardie went on trial for murder, charged with the death of John W. Blount. Blount, a Negro, was one of the 38 who died.

Smallwood, who declared under oath that he and Hardie were in the bootlegging business, said he watched Hardie compound the lethal concoction in two wooden barrels and stir it with a broomstick. He said Hardie half filled the barrels with methyl (wood) alcohol purchased from an Atlanta druggist, added North Georgia Moonshine "for flavor," and cut it with well water.

Smallwood, whose slight frame contrasted sharply with Hardie's bulk, declared he was with Hardie when he picked up the wood alcohol here and the moonshine in the hills and took them to Luke Turner's barn in rural Gwinnett County for mixing.

Hardie, who was apprehended in a local hospital after wrecking his convertible, was pale and had his arm in a sling when he appeared in court. His wife and three children sat with him.

The single indictment charges the pudgy bootlegger who has a three-page-long FBI record with two counts of murder. The first alleges murder aforethought and the second contends Hardie killed "without any intention to do so, but in the commission of an unlawful act, which, in its consequences, naturally tends to destroy the life of a human being."

As the case went to trial, police here reported the deaths of two Negro women who drank poisoned whisky. Detectives jailed a third Negro and charged him with suspicion of manslaughter.

Ugly From Every Viewpoint

The poison-liquor death toll continues to mount and the number of persons affected by drinking the lethal mixture has risen to more than 260.

A number of Negroes have been taken into custody as distributors of the poison. A white man named John R. Hardy, who admitted selling the stuff to these distributors, has been charged with involuntary manslaughter. This man says he bought the liquor from a supplier in Rabun County and did not know what was in the shipment.

Hardy is an ex-convict with a long record of liquor law violations. Nor is the manslaughter charge his first. He was sentenced in the DeKalb court in 1947 to five to 10 years' imprisonment, the case growing out of a shooting. The defendant appealed and the Court of Appeals reversed the verdict of the lower court.

Now the law will take its course. Hardy and his accomplices will be tried as alleged instruments in the death of the poison-liquor victims.

The whole sordid situation calls for a look at bootlegging in general. Atlanta's habitual drunks have looked with alarm and only one was arrested Wednesday night.

The legal liquor interests had already looked. What they saw alarmed them and two weeks ago they warned that the South was being flooded with bootleg liquor spiked with rubbing alcohol.

The prohibitionists point to the shameful occurrence and say to the repealists, "You said this wouldn't happen when the liquor laws were lifted."

They do not admit that Georgia's being a dry state except for 29 counties has something to do with the increase in moonshining and bootlegging in the state.

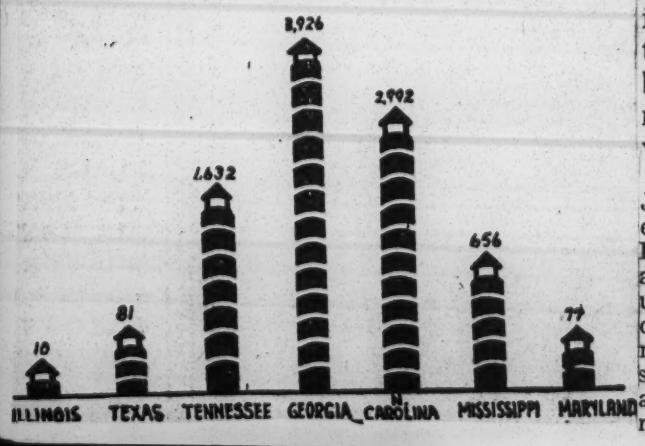
They can't explain away the fact that Georgia led the nation in still seizures last year with 3,926. (The accompanying chart shows comparative figures for seven of the 48 states.)

Are they blind to the fact that the illegal whiskey makers and vendors are temites undermining the foundation of law enforcement in many counties? The Posey case in Spalding is an example. Corruption in politics is the by-product.

Anyone who has been close to the illegal distillery business knows about the filth and dirt and rot that goes into the product itself. The bootlegger has no concern for the customer. His only concern is the fast dollar. The wood alcohol concoction of last week end was only a little worse than the best of the run-off from the still in the swamp or the hills.

Illegal liquor is the source of most of Georgia's liquor troubles.

The picture of "Fat" Hardy, all 360 pounds of him in the custody of the law, admittedly the purveyor of a brew of death, fairly well symbolizes the business he has been in. There's nothing pretty about bootlegging.



Webb Finds Source of Drink

Murder Charges Are Facing Two

By KEELER McCARTNEY

The state early Friday completed its investigation into the poison liquor death of 31 Atlantans with the discovery of an abandoned farm dwelling in Gwinnett county where the deadly concoction was brewed of methyl alcohol, moonshine whiskey and well water, officers said.

Fulton Sol. Gen. Paul Webb said John R. "Fat" Hardy, 44-year-old ex-convict, under police guard at Piedmont Hospital with a broken arm, and one other person as yet unidentified, will face murder charges. Nine Negroes will be arraigned on involuntary manslaughter charges Webb said, and a Gwinnett farmer is held as a material witness.

Accompanied by the farmer, Luke Franklin "Major" Turner, 52, Webb, Atlanta Det. Supt. Glyn Cowan, Lt. L. T. Bullard and GBI agent W. P. Holley late Thursday night recovered the drum in which the methyl alcohol was stored. They also returned to Atlanta a wooden barrel in which the ingredients were mixed.

RECALLS CARGO

At first reluctant to talk, Turner eventually told officers Hardy first came to his home last Summer and left a load of moonshine liquor there overnight. He said he did not see Hardy again until Thursday of last week, when he brought a second load of liquor and stored it in a shed.

Friday afternoon, Turner related, Hardy, another white man and a Negro came and transferred the liquor from the shed to the abandoned dwelling a half mile away. Turner told officers he watched while the trio poured the liquor, the contents of the metal drum and well water into the wooden barrel, stirred it and then poured it up into separate containers.

GOT $10

The Negro, who accompanied officers on the trip, pointed out a spot in a corn field near the house where the liquor was hidden until it could be brought into Atlanta.

Turner said he received $10 from Hardy in exchange for the liquor being left at his home.

Turner escorted officers across a pasture, where he had secreted the methylalcohol drum and the mixing barrel in a gulley. He said Hardy came by his home Monday afternoon and asked him to dispose of the barrel and drum. He also told of using a kerosene-soaked rag to wipe up traces of liquor spilled in the abandoned farm house.

"We've only to cross a few 'T's' and dot a few 'I's' now to write this thing off," Webb declared. "Our case is virtually completed."

The solicitor indicated the charges against the 11 persons involved—charges of murder for two white men and of involuntary manslaughter for nine Negroes—will be brought before the Fulton County grand jury next week, probably Tuesday.

After hearing from eight Negroes under $2,500 bond each as distributors of the drink, Webb declared that the manufacturers would be prosecuted on murder charges and those aiding in the distribution would face charges for voluntary manslaughter.

The statement of formal murder charges against Hardy, under police guard at Piedmont Hospital with a broken arm, was made jointly by the Solicitor and Lt. L. T. Bullard, of the detective homicide squad. Webb praised the work of Bullard and other members of the police department "in clearing up a very serious situation."

A warrant charging manslaughter was served on Hardy at the hospital Thursday morning by Det. Supt. Glyn Cowan. The Solicitor, Bullard, Homicide Sgt. L. L. Hause and others spent some time in questioning the 360-pound Hardy, who readily admitted he supplied 99 gallons of illicit liquor to Negro distributors last Friday.

This liquor, police and Grady physicians charge, caused the death of 29 Negroes and two white persons and hospitalized almost 300 others.

After checking Hardy's story, the Solicitor and homicide officers Thursday afternoon changed the charge to murder.

Hardy, who was brought from the hospital at Athens to Piedmont Hospital at 6:15 Wednesday, told investigators that he purchased the liquor from a man in the Persimmon Community near Clayton in Rabun County.

"I don't know the name of the man I bought it from . . . but I can point him out to you," Hardy was quoted as saying.

ASLEEP AT WHEEL

Of the broken arm, Hardy told Cowan that he was driving through North Georgia "looking for liquor—because it is hard to get now, you know"—when he went to sleep and sideswiped a truck on the highway. He said he went to the hospital in Athens and later asked to be transferred to Piedmont Hospital.

Hardy admitted that Negroes returned 37 gallons of the liquor shipment because "it didn't taste right," Cowan related. The ex-convict said he resold the liquor to a Negro man "named Wash," who lives behind the Terminal Station, and hastily added:

"You needn't worry about that—it's been destroyed."

Asked how he knew it was destroyed, Hardy said: "I told Wash to pour it out. I know he did."

Cowan said none of the vice squad detectives recognized, from Hardy's description, the Negro who purchased the 37 gallons.

Meanwhile, the death toll mounted to 31 persons—29 Negroes and two whites. The Fulton County coroner's office said deaths of three persons on the list Thursday morning resulted from natural causes. However, four Negroes died during the day at Grady Hospital, bringing the total to 31.

The three persons whose deaths later were found to have resulted from natural causes were: Fannie Hall, [illegible], of 572 Coleman St., S. W.; Fannie Mae Dowdy, R. 310 Grant St., S. E.; and Mack Howard, 47, of 304 Chestnut St., S. W.

The four latest victims were listed as Lillie Mae Benton, 745 Smith St., S. W.; Eunice Wynn, 324 Trenholm St., S. W.; William Pruitt, 30, of 623 Crew St., S. W., and Louis Farmer, 562 University Ave., S. W.

Atlanta Buries Victims Of Bad, Bad Whiskey

ATLANTA — Funeral services were being held throughout the city this week for the 35 persons who had died up until Saturday from drinking a poisonous bootleg whiskey.

Among them were:

MATTIE HAMMOND WORTHY, 878 Farrington pl., S.E.; HENRY BROWNING, 73 Boyington st., S.E.; ELIJAH FOSTER, 443 Fraser st., S.E.; CHARLIE HOLT, 207 Haygood ave., S.E.; RUBY KATE WRIGHT, 15, 501 University ave.; LUCILLE WRIGHT, 19, 501 University ave.; RUFUS YOUNG, 28, 501 University avenue.

ESSIE HAYES, NELLIE MAY RIVERS, 146 Glenn st., S.E.; ANNIE BLOUNT, 23 Fulton st.; MILLEDGE LAWRENCE, 28½ Fulton st., S.E.; OSCAR HARVEY, 78, 207 Haygood ave., S.E.; DORA WILLIAMS, 40, 128 Haygood ave., S.E.; DORA MAE ALFREND, 711 Piedmont ave.; LILLIE MAE BENTON, 745 Smith st., S.W.; EUNICE WYNN, 324 Trenholm st., S. W.; WILLIAM PRUITT, 30, 623 Crew st., S.W.; LOUIS FARMER, 562 University ave., S.W.; RALPH LOVETT, 341 Henry st., S.W.; ANNIE CAMPBELL, 85 Rawson st.

FANNIE HALL, 869½ Coleman st., S.W.; FANNIE MAE DOWDY, 310 Grant st., S.E.; OLLIE MAE WRIGHT, 501 University ave., S.E.; CHARLIE SIMMONS, 344 Hills ave.; JOHN BLOUNT, 23 Fulton st., S.E. CLIFFORD GILLEM, 29, 48 McDonough blvd

MACK HOWARD, 47, 304 Chestnut st., S.W.; MAUDE WADLEY 42, 1038 Smith st., S.W.; LAWRENCE LEWIS, 48, 23 Fulton st. S.E.; MOLLIE McDANIEL, 41 475 University ave. S.W. and MYRTICE ARNOLD, 623 Fraser street.

Two men charged with making the fatal "bootleg" whiskey were in police custody last week and faced murder charges. They are 360-pound John R. (Fats) Hardy, 44, an ex-convict, and Roger William Smallwood, 24.

Hardy was under guard at a hospital recovering from a broken arm suffered in an auto accident Monday while looking for more moonshine to merchandise. Smallwood surrendered to police last Saturday.

The wave of death and sickness, which began early Monday and continued most of last week, was concentrated in a Negro section known as "Peoplestown." The concoction was distributed in the area for 50 cents a pint last Sunday. All of the dead except two were colored.

Confusion gripped the scene as the sick and dying were crowded into Grady hospital. More than 200 persons were left violently ill, many of them blinded by its effect. Doctors say many of them may never regain their eyesight.

Eight persons were arrested and placed under $2,500 bond each on a charge of suspicion of manslaughter. Those required to post bond were: Richard Weems, 30; Willie Jones, 54; Willie Walton, 51; Arthur Brown, 46; L. O. Reagan, 54; Ethel Mae Williams, 24; Q. P. Jones and Henry Stokes.

The "Moonshine" tragedy is one of the most disastrous to hit Georgia, overshadowing the fateful Christmas eve party of 1949, which saw 12 die from a similar lethal mixture.

By Sunday some semblance of order had returned to this city that for one week was caught in the spell of a "Devil's brew." business ventures which are income producing.

Widower Asks $100,000

'Poison Whiskey' Death Suit Filed

Forty Dead After Drinking Mixture; More Indictments Expected in Atlanta

By WILLIAM A. FOWLKES JR.

ATLANTA—Multiple troubles were rolling up in Atlanta last week for persons alleged to have mixed and distributed the poison liquor that had taken forty lives and affected 400 others who drank the potion.

As the state moved to close its case in the Peoples Town tragedy, the husband of one of the victims filed a $100,000 suit against John R. (Fats) Hardy, charged with being the chief "murder" defendant in the alleged mixing of methyl "wood" alcohol, well water, peach flavoring and corn liquor.

The suit, filed by Lewis Rivers, of 146 Glenn Street, in the death of his wife, Mrs. Mella M. Rivers, was expected to be the forerunner of other damage actions.

RESTRAINING ORDER

Named as defendants with Hardy in the Lewis suit were Roger Smallwood, L. O. Riggins and Richard Weems. Fulton Superior Judge Jessie M. Wood signed the petition and a restraining order to prevent the defendant from disposing of property.

Judge Wood set a hearing for Nov. 14.

Friday, the Fulton County grand jury indicted Hardy for murder in death of five of the poison moonshine victims. Cases against the other accused will come before the jury later.

Meanwhile, Grady Hospital retained only five of the several hundred persons who crowded its clinic and wards all last week from the effects of the poison moonshine concoction. Those dismissed had been declared "out of danger" by physicians.

Most of those remaining still suffered the effects of "blind staggers," the condition brought on in the second stage of "wood" alcohol poisoning.

WHITE VICTIM DIES

Among the last victims to die last week was John M. Holloway, a 43-year-old white man. Holloway, a truck driver, died in a Nashville, Tenn., hospital.

He told doctors that he had bought and consumed illicit corn whiskey before starting on a run from Atlanta to Manchester, Tenn., where he became deathly sick.

A total of three white persons died from the poisoning in Atlanta, while at least half a dozen others in rural areas died of similar effects. All the other victims in Atlanta were Negroes who lived in Peoples Town and adjacent areas.

SOME SWEAR OFF

Drinking of bootleg corn whiskey, had not stopped in Atlanta last week, according to varied reports, but it had been considerably reduced.

Many former 'shine imbibers were visiting legal liquor stores for the first time, some of them surprised at the presence of sealed corn whiskey. Many of them say they never want another drink with a stiff kick usually attributed to "alley corn."

A new Fulton County grand jury slated to be sworn in on Monday will hear the remaining thirty-three charges against "Fat" Hardy as the result of the "moonshine deaths."

Hardy so far has been specifically indicted for the deaths of Lawrence Lewis, John Blount, Mrs. Annie Blount, Millege Lawrence and Elijah Thomas Foster.

Alternative counts in murder indictments against Hardy alleged malice aforethought and in the commission of an unlawful act which led to death.

Luke Turner, white farmer on whose property the concoction is said to have been made, Richard Weems, and L. O. Riggins were among those appearing before the grand jury indicting Hardy

Poison Liquor Called Able To Kill 1,000

Official Testifies In Atlanta Deaths

Atlanta, Dec. 12 (AP)—The director of the Fulton County Crime Laboratory estimates that 1,000 persons could have been killed by the 99 gallons of poison bootleg liquor distributed in Atlanta last October.

Dr. Herman Jones told a Superior Court jury that he regards the estimate as conservative.

Total of 38 Died

Testifying yesterday in the murder trial of John R. "Fat" Hardy, 44-year-old former convict who is blamed by the State for 38 bootleg deaths, Jones said an analysis of some of the liquor showed it was 35.07 per cent wood alcohol.

Two ounces of the mixture are considered fatal, Jones added.

The poisonous mixture was sold in Atlanta over a two-day period —October 21 and 22.

Jones was one of 15 witnesses called by Fulton County Solicitor General Paul Webb as the 300-pound Hardy went on trial for the death of John W. Blount. Hardy also is under murder indictments in four other cases.

Besides the 38 deaths from the poison liquor, four persons were blinded for life and 308 others were treated at the City's hospital for illness they said was brought on by drinking bootleg liquor.

Saw Alcohol Poured

In yesterday's testimony Richard A. Weems, 33, told of accompanying Hardy when he bought the alcohol, helping him to mix it and making after-dark deliveries.

Luke F. Turner, a farmer, told of renting his barn in nearby Gwinnett County to Hardy and watching the alcohol poured into and mixed with moonshine liquor, charcoal, and well water.

Willie Walton testified he bought liquor from delivery-man Weems and that he employed Willie Jones as a retail clerk. Jones said he sold some of the liquor to Blount and his wife, Annie, who also died.

Housewife Found Slain In Tucker

By KEELER McCARTNEY

Mrs. Garnet N. Gabriel, 55, wife of a well-known Atlanta insurance executive, Monday was assaulted and garroted to death with a man's necktie at her home on Brockett Road in Tucker, DeKalb County police said.

Gabriel, insurance company claims superintendent, and neighbors, Mr. and Mrs. A. P. Clemons, discovered the body stuffed behind the furnace in the basement. Police Capt. Harry Christian said Mrs. Gabriel evidently was surprised and killed while she hung out wash in the back yard Monday afternoon. Her body was found about 8:15 p. m. and a Tucker physician said she apparently had been dead about four hours, DeKalb Coroner S. D. Warren reported.

A red and white necktie was wound tight about the neck, Christain related. He said the shoes which Mrs. Gabriel customarily wore while doing housework were missing, indicating she was slain in the yard and her body later moved to the basement. He added part of her clothing also was missing.

AUTOPSY

Immediately after the discovery, the body was removed to Grady Hospital for an autopsy to determine the time and cause of death. Christian declared the preliminary medical examination "left no doubt" that she had been assaulted.

Investigators said Mrs. Gabriel's purse was missing, along with the shoes and parts of her clothing. They said Mrs. Gabriel's hands were streaked with dirt, indicating a struggle.

Two patrolmen were stationed at the Gabriel home to preserve any clues which might have been left on the grounds. Christian said a thorough search of the grounds would be made Tuesday morning.

Two other patrolmen were stationed at the home of a Negro suspect. DeKalb Chief Hoyt Sutton said the Negro borrowed $12 from his employer early Monday and then failed to report for work

DOG CLUE SOUGHT

The Negro loomed as a suspect after Mrs. Clemons reported that she did not hear the dogs barking at the Gabriel home Monday. Mrs. Clemons explained that the dogs were unusually noisy when a stranger appeared. Officers said the Negro often went by the home and could have been recognized by the dogs.

Mrs. Clemons said she telephoned the Gabriel home several times Monday but got no response.

When Gabriel arrived home, he looked through the house and glanced into the basement. Failing to see his wife, he went out into the back yard and through a wooded area where the family sometimes burned trash.

THREE FIND BODY

Mr. and Mrs. Clemons joined in the search.

The three returned for a closer inspection of the home. They discovered the body of Mrs. Gabriel behind the furnace in the basement.

Christian said there were several large bruises on the neck directly under the chin. There also was a gash on the right side of the neck where the tie had cut into the flesh.

The ends of the tie were clipped off, leaving only the center part around the neck. Christian said it was possible she had been hanged by the tie and later cut down.

RECALLS REFOULE CASE

Such was the case in the death of Mrs. Peggy Refoule, Atlanta society matron whose body was discovered in historic Peachtree Creek five years ago. Mrs. Refoule's slaying has never been solved. Her husband, French painter Paul Refoule, died in Atlanta several years after his wife was slain.

Clothes pins were found in Mrs. Gabriel's pockets and part of the wash had not been put on the line, Christian related. He said the condition of her clothing and hands indicated Mrs. Gabriel fought desperately.

Mrs. Gabriel is a half sister of Constitution Associate Editor William H. Fields.

Smallwood Admits Taking 'White Lightning' To Farm

ATLANTA, Georgia — (SNS) —

Roger W. Smallwood, white, last suspect in the poisoned moonshine case that brought death to 35 in Atlanta, walked into police headquarters Saturday and told his part in the multiple killings.

Smallwood, booked on a suspicion of manslaughter charge, admitted taking 120 gallons of "white lightning" to a farm where it was watered and flavored. He said 96 gallons were brought to Atlanta.

Solicitor General Paul Webb issued a murder warrant for arrest of the youth but police booked Smallwood on manslaughter until further questioning.

Sgt. L. L. Hause, of the homicide division, said Smallwood has "straightened out a lot of things" concerning the illegal moonshine.

Hause described the youth as "scared to death" as he told police of his bootleg activities.

John R. (Fat) Hardy, previously taken into custody, was charged with murder and nine others charged with involuntary manslaughter in the manufacture and sale of the illegal liquor which contained wood alcohol.

POISON DEATHS NEAR 40 MARK; 2 MORE DEAD

Death claimed another methanol victim early Monday morning, bringing the total to 37, while conflicting testimonies revealed that all of the poison whiskey might not have been accounted for.

The victim Monday was listed by Grady officials os Leola Thomas, of 353 Terry St. She was pronounced dead at 5 a. m. Monday.

Willie Dixon, 49, of E-Dover St., S. W., was pronounced dead Saturday night at 11:40 p. m. Patrolman W. Strickland said he brought the victim to the clinic at 10:30 p. m. Dixon, complaining of abdominal pains, died shortly after. His death was attributed to methanol poisoning.

INVESTIGATING ANOTHER DEATH

The Coroner's office Monday took a blood sample from a man who died earlier in the day to determine if he died from methanol poisoning.

Theodore Doorman, of 599 Irene St., N. E., was pronounced dead at approximately 7:45 a. m. Monday. The body was turned over to Hines Funeral Home with instruction to turn in a blood sample to the Coroner's office.

Doorman's death was attributed to possible methanol poisoning after a witness reported he drank heavily. Homicide Squad Detectives H. E. Burdett and M. W. Blackwell had reported finding the body lying in bed, fully clothed and without any sign of violence.

—WIREPHOTO by The Associated Press.
JOHN R. "FAT" HARDY

ture of wood alcohol and water.

Solicitor general (prosecutor) Paul Webb announced that John R. Hardy, a 360-pound Atlantan whose FBI record shows several convictions of liquor law violations, was taken into custody at an Atlanta hospital on a warrant issued Wednesday night.

Hardy went to the hospital for treatment of injuries he said were suffered in a car accident near Athens, Ga., Wednesday.

Three persons died in hospitals in and around Atlanta during the night to bring the death toll to 30. Most were Negroes.

Coroner Ed Almand said that three victims previously listed as dying from the liquor later were found to have died of natural causes.

Police charge that Hardy brought the illegal liquor into Atlanta and pressed a hunt for another white man accused of mixing the deadly mixture.

Meanwhile, police at Nashville, Tenn., said a man who left Atlanta early in the week was hospitalized there in critical condition with symptoms of liquor poisoning.

EX-CONVICT HELD IN POISON DEATHS

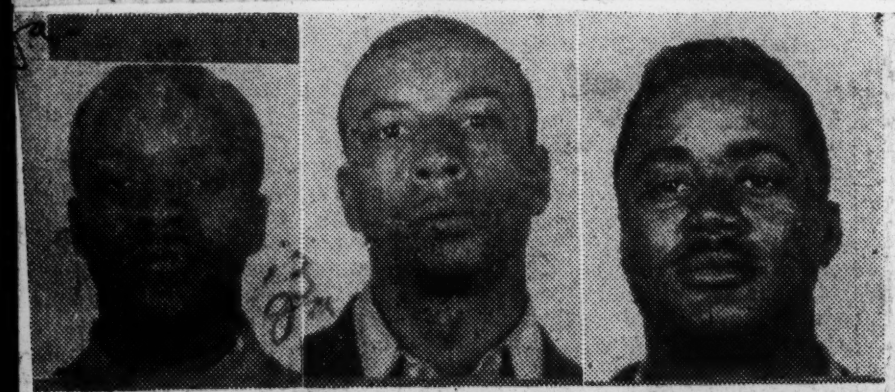
Atlanta Man Faces Manslaughter Charges

(The Associated Press)

Atlanta, Oct. 25—A former convict was arrested on a manslaughter charge Thursday in the deaths of 30 persons who drank a mix-

13 TO FACE GRAND JURY IN LIQUOR DEATHS

HOW GUILTY ARE THESE NINE PERSONS, and four others, in the poison liquor death of thirty seven people last week will be up to the Fulton County Grand Jury Friday when Solicitor General Paul Webb airs the evidence against them. Walter Williams' picture could not be ascertained. The whites have been run in previous edition of THE ATLANTA DAILY WORLD. Facing manslaughter



charges pictured from left to right are: Richard Weems, Willie Jones, Willie Walton, Arthur Brown, Ethel Mae Williams, L. O. Reagan, Q. P. Jones, Henry Stokes and Charles S. Cherry.

10 Negroes, 3 Whites Held On Manslaughter; One Held For Murder

Ten Negroes and two white men, charged with manslaughter, and one white man charged with murder in connection with the poison liquor death of thirty-seven persons here last week, will face the Fulton County Grand Jury Friday according to an announcement by Solicitor General Paul Webb. Five of the ten Negroes have arrest records for bootlegging and numbers vendoring. The other five face their first charge of bootlegging.

John R. "Fats" Hardy is charged of the poison with murder for allegedly purchased a fifty-four gallon drum of Menthynol alcohol and later mixed it with bootleg liquor and well water and distributed in Atlanta. Roger Smallwood with bond set at $10,000 is alleged to have driven the truck containing the poison alcohol from Atlanta to a farm near Gwinnett, help mix the poison concoction and delivered some back to Atlanta. Luke Turner, another white man watched the mixing near his farm house.

Bonds set for the ten Negroes amount to $2500 each. They are as follows: Richard Weems, 519 Mitchell Street, S. W.; Willie Jones, 480 Fraser Street; Willie Walton, 28 Fulton Street; Arthur Brown, 207 Farrington Avenue; Ethel Mae Williams, 461 Washington; L. O. Reagan, 523 Connally, S. E.; Q. P. Jones 1054 Mayson-Turner; Henry Stokes, 440 Fraser; Charles S. Cherry, 273 Chicamauga; and Walter Williams, 1085 Hubbard.

According to signed statements 81 gallons of the poison liqour was distributed in Atlanta Sunday morning and 18 gallons distributed Monday night. Nineteen of the thirty-seven picked up from Hardy by the distributing bootlegged is reported to have been poured out after newspaper stories appeared that the liquor was poison. The bootlegger giving the statement claimed that he notified all his customers where the liquor had been delivered to pour the stuff out—but this was Tuesday morning. Some bootleggers had had the stuff since Sunday and others since Monday.

Ex-Convict Given Life Term In 38 Poison Liquor Deaths

ATLANTA, Dec. 13 (AP).—Bootlegger John R. (Fat) Hardy was convicted of murder and sentenced to life imprisonment today as an aftermath of 38 poison liquor deaths.

Defense Attorney J. B. McCurdy said a motion for a new trial would be filed.

The 360-pound former convict was convicted specifically of the murder of John W. Blount, who died after drinking a lethal mixture of methyl or wood, alcohol, water and moonshine whisky.

In Georgia a jury fixes punishment and in this case the jury's finding murder with a recommendation of mercy made the life sentence mandatory.

It was last October 20-21 that Atlanta's City Hospitals was nearly swamped by more than 350 groaning victims who stumbled, retching, into the admission ward.

All reported they became violently ill after drinking bootleg whisky. Thirty-eight persons died and four more were blinded for life.

Hardy, the only defense witness, said he mixed the deadly concoction, which one witness said was capable of killing a thousand people.

FAT BOOTLEGGER GETS LIFE TERM IN PRISON

Must Pay For Mixing Liquor That Took 38 Lives

ATLANTA, Dec. 13.—Bootlegger John R. (Fat) Hardy was sentenced to life imprisonment Thursday for the murder of one of 38 poison liquor victims in Atlanta.

The 44-year-old fat man showed no emotion when the foreman read the jury's verdict of "guilty with a recommendation of mercy" in the death of John W. Blount.

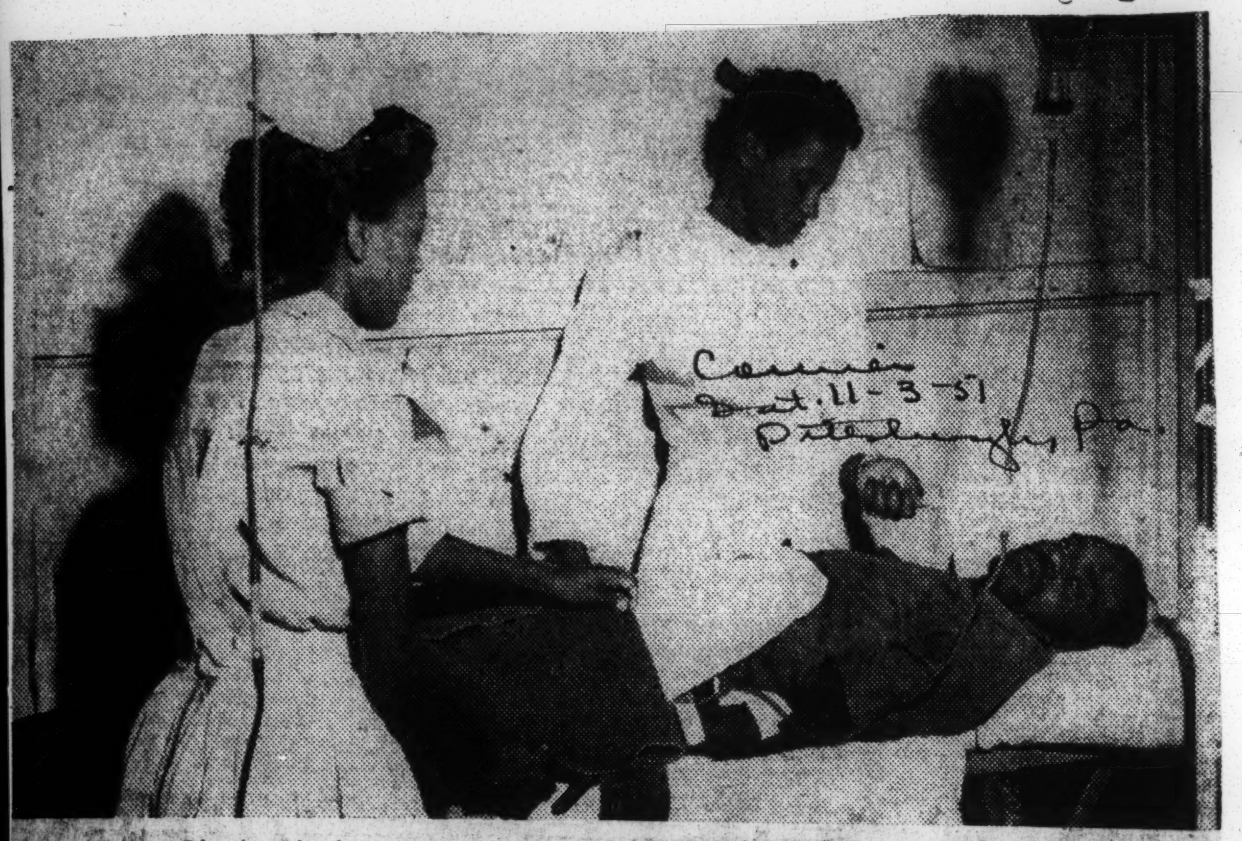
The state had asked death in the electric chair for the 360-pound Hardy.

Defense attorneys filed a motion for a new trial.

Hardy paled but made no comment when Judge E. E. Andrews pronounced sentence. His wife, who sat at his side throughout the three-day trial, tearfully left the courtroom with her husband.

The bootlegger was found guilty on the second count of a two-count indictment which charged him with murder without intention to kill in the commission of an unlawful act." The jury found him not guilty of the first count — murder with "malice aforethought."

Blount was one of 38 persons who died after drinking moonshine whisky spiked with poisonous methyl (wood) alcohol. Hardy maintained the deaths were accidental and he unintentionally manufactured the lethal brew.



Victim—Charlie Blackman, 23, of White's Alley, is given aid by Nurses Mary Moses and Geneva Lawson of Atlanta's Grady Hospital when he went there for treatment, and the photographer happened along. He didn't object to a photo, saying this should be a good lesson for all. Victims like Blackman faxed Grady's clinic and hospital capacity.—Perry Photo.

Two More Die of Poison Liquor, Bringing Toll in Georgia to 32

By the Associated Press

ATLANTA, Oct. 25.—A deadly moonshine mixture of wood alcohol and water has killed 32 persons in Georgia and its effects have spread to a neighboring State.

Two residents at nearby Winder, Ga., died at the city hospital there of methyl alcohol poisoning last night, Police Chief G. L. Banks said, and a third was in critical condition.

And police at Nashville, Tenn., said a man who left Atlanta early in the week was hospitalized in critical condition with symptoms of liquor poisoning.

Thirty persons, 25 of them Negroes, died here after drinking the poisonous brew.

Ex-Convict Sought.

Police were searching for a white ex-convict charged with bringing the stuff into Atlanta and for an unidentified white moonshiner accused of mixing the deadly brew.

Detective Supt. Glyn Cowan obtained a manslaughter warrant for John R. (Fat) Hardy, whose FBI record shows several convictions of liquor law violations.

Solicitor Paul Webb of Fulton County, said the man who made the liquor would be charged with murder when captured and that he would demand the death penalty. He would not reveal the man's name, saying it would hamper the police search.

The two latest Atlanta victims, who died last night, were Negroes. Charlie Simmons, 42, entered Grady Hospital immediately after drinking the poison and died within an hour. The other victim was John Blount, whose wife was one of the first to die Monday.

Charges Filed Against 8.

Of 13 Negroes arrested by police, eight have been charged with involuntary manslaughter and placed in $2,500 bond. The others are still being questioned.

The Negroes are accused of peddling the deadly drink.

Since the first deaths Monday night 207 persons—five of them white—have been treated at the municipal hospital. Thirteen remain in the hospital, two of them blind.

That some of the brew, which often causes an agonizing death or blindness, remained in the hands of potential consumers was borne out by Mr. Simmons' death and the fatalities at Winder.

Sound trucks hired by the Atlanta Daily World, a Negro newspaper, toured Negro sections and broadcast warnings against drinking any moonshine.

8 Bound Over In "Poison Liquor" Deaths Here

Eight Negroes, charged with involuntary manslaughter in connection with the recent "poison liquor" deaths, were bound over to the Fulton Grand Jury Wednesday after a hearing in Police Recorder's Court.

Recorder Judge W. A. White set bond for the eight men at $2,500 each. Two others are slated for a hearing today in Recorder's Court.

The eight bound over to the Fulton Grand Jury are: Willie Walton, 28 Fulton Street; L. O. Riggin, 523 Connally St., S. E.; Richard Weems, 519 Mitchell St., S. W.; Willie Jones, 480 Fraser St. S.E.; Henry Stokes, 440 Fraser St. S. E., Ethel Mae Williams R-461 Washington, S. W.; Q. P. Jones, 1054 Mayson Turner Ave. S. E.; and Arthur Brown, 207 Farrington Ave. S. E.

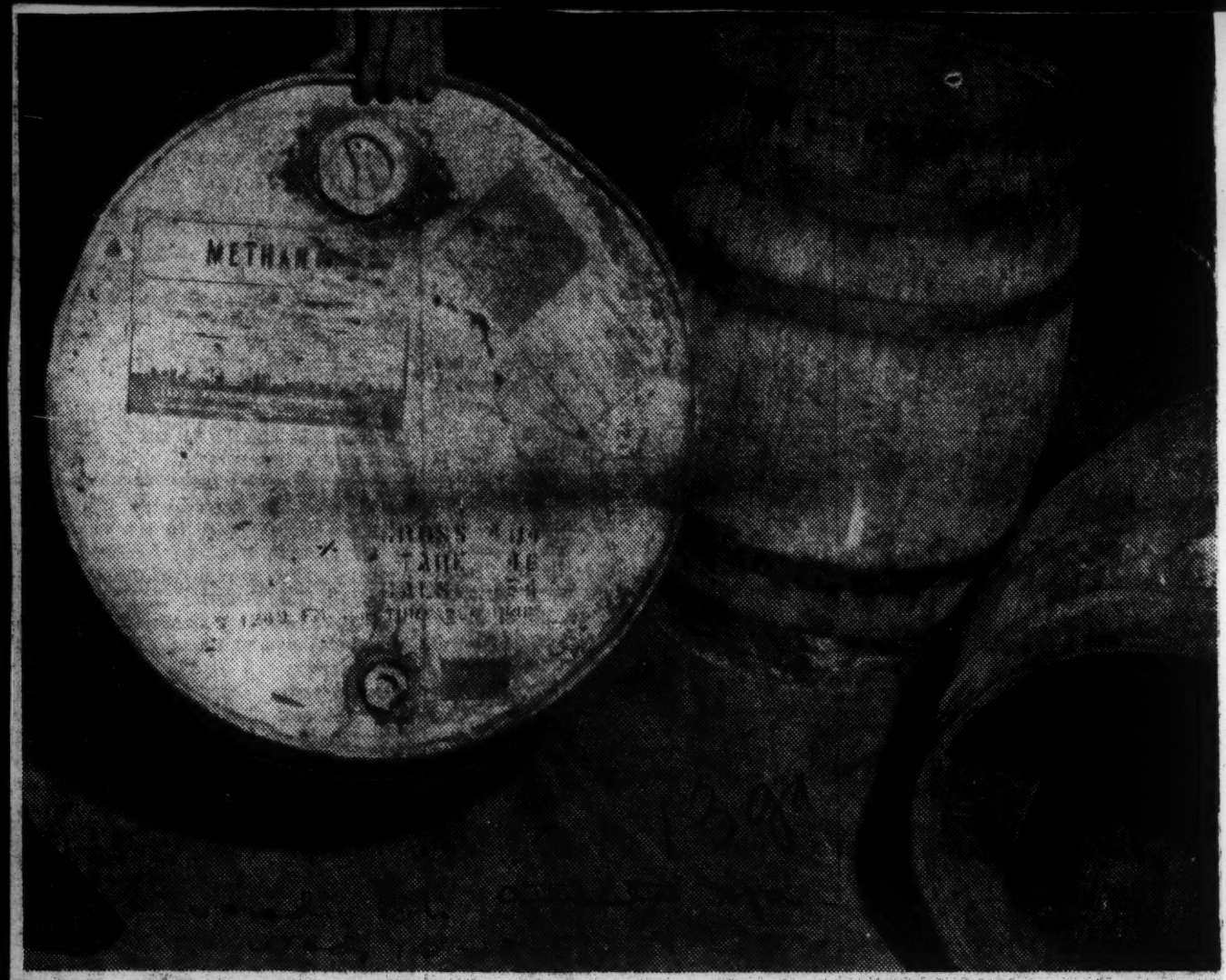
Two men, listed as: Charlie Cherry, 273 Chicamauga St. S. W., and Walter Williams, 1085 Hubbard St., are slated for a hearing today.

SEECOND BOND IN CASE

The same amount of bond was set for the second time in less than two months, on a charge of involuntary manslaughter. The eight man previously posted a $2,500 appearance bond each, most of them October 24, and the two men who were bound over on October 28.

The eight men now will face the Grand Jury sometimes in the future, to determine whether they will be indicted to stand trial or not.

This action came less than a week before John "Fats" Hardy is slated to stand trial for murder in Fulton Superior Court. Hardy is chaged with being the mixer of the poison concoction of monshine whiskey and methyl alchol that caused the deaths of 38 people. The eight men bound over are alleged distributors of the illegal traffic.



DEATH LIQUOR RELICS — The State put on display these grim relics of the horror liquor which claimed 38 lives. The exhibits one, two, three are left, a 54-gallon drum labelled "Methanol and on the other two barrels is printed "Caution, may cause blindness or death." The two drums were identified as the containers use to mix the deadly concoction. Roger Smallwood and Richard Weems testified Tuesday that John "Fats" Hardy, now on trial in connection with the liquor deaths used the containers in mixing the fiendish brew. — (Adair Photo)

Poison Whiskey Kills 35

13 9a

Death 'Wake'—Atlanta police prevent crowds of curious from crossing the street to Grady Hospital's clinic where victims of poison liquor were being transported, some of them never to return alive. The crowd remained, continuously changing and filling up, for three days after news of the tragedy spread.

By WILLIAM A. FOWLKES JR.
(Courier Staff Correspondent)

ATLANTA—Atlantans were singing the "Bad, Bad Whiskey" blues last week, and they weren't fooling! Hellish death used racketeering and hijacking bootleggers, combined with misery, poverty, politics and ignorance to concoct a brew that took thirty-five lives and sickened from 300 to 400 others who sipped its potion.

An otherwise bright Atlanta week-end turned into a cyclone-struck "City of Babylon," as scores poured into Grady municipal hospital—blinded, nauseated, pained and half-paralyzed from bad—really bad—whiskey.

The nightmare started unfolding near midnight Sunday, Oct. 21, hours after the traditional drinking Saturday night and the carousing period of the Sabbath Day. Some persons were already dead when police began to get into the mystery.

POURED INTO CLINIC

Into Grady's clinic they poured by ambulance, private cars and afoot. Some had the "blind staggers." Others pointed to their chests and stomachs. Many held their heads, and some foamed and puked from their mouths. Others were dying or dead.

It was the same answer as doctors diagnosed the cases—poisoning by "methyl alcohol" or some similar ingredient commonly known as "wood" alcohol. They had gotten hold of a bad load of bootleg corn whiskey.

Almost all the victims came from an area of Atlanta known as Peoples Town, which sits between Pittsburg, Summerhill and South Atlanta. They may now call it "Horror Town," with no apologies to the spooks and witches of Halloween.

From Sunday night through Wednesday the dead and poison liquor sick straggled to Grady. Hundreds kept up a constant watch outside to see who would come next and who would be brought out of the piled-up morgue, a little distance off from the clinic. So taxing were the crowds for two days, police ordered them across the street, but they came and watched and waited.

SOUND TRUCKS WARN

Curiously enough, some of the later sick drank their potion as much as two days after newspapers, radios and bankers told the news by sound trucks and their own media, while warning, "Don't drink bootleg corn whiskey: it's poisonous." One sound truck kept the "Bad, Bad Whiskey" tune playing constantly, while an announcer issued periodic warnings.

An aroused citizenry spurred action from top Atlanta and Fulton County officials. There were unofficial rumors that Federal officials would join Georgia officers in the investigation. Police had seen nothing like it, although two years ago a dozen died from a Christmas party.

From the more coherent victims, police raided known dives and liquor-sellers in Peoples Town. Grilled as to where they got their whiskey, these small-time bootleggers revealed the names of their wholesalers, and by week-end the alleged brewer of the poisonous concoction was held for murder.

HOLD 'MIXERS'

He is a white man, John R. (Fat) Hardy, 44-year-old ex-convict, who, police say, readily admitted distributing the methyl "wood" alcohol-based corn whiskey to Peoples Town.

Another unidentified white man was slated to be placed under arrest and to face murder charges with Hardy before the Fulton County grand jury Tuesday. This man, later identified as Roger William Smallwood, 24, surrendered to police Saturday afternoon and was accused of being the other "mixer" of the death concoction. The charges may not reach the grand jury, however, until Friday.

Detectives also located an Edgewood Avenue store where Hardy allegedly bought concentrated peach flavor with which to cover the odor and taste of the methyl alcohol in the death mixture.

NINE NEGROES HELD

Nine Negroes, of twelve previously arrested, were to face manslaughter charges as the result of an extensive investigation into the background of Peoples Town bootlegging. Some were said to have admitted their part in the distribution of upwards of ninety-nine gallons of poisonous liquor allegedly sold them by Hardy. Some distributors told police they returned thirty-seven gallons of the liquor shipment because "it didn't taste right."

Hardy was quoted as admitting this, and to have said he resold the liquor to another man down the street. He claimed he later ordered this whiskey destroyed, upon learning of the wake of death it was leaving in Peoples Town.

Fulton's Solicitor-General Paul Webb claimed most of the case cleared up with Hardy's arrest at Piedmont Hospital, where he had been admitted with a broken arm. The ex-convict said his injury was suffered when the car he was driving into North Georgia for more liquor was involved in a highway accident.

STILL SITE FOUND

After questioning the closely guarded man, Webb, city detectives and an FBI agent discovered an abandoned farm dwelling in nearby Gwinnett County, where the poisonous whiskey was allegedly made from well water, methyl alcohol and corn whiskey.

A white farmer, Luke Franklin (Major) Turner, 52, accompanied the officers to the farm house, where they recovered the drum in which the "wood" alcohol was stored and a wooden barrel in which the brew was concocted. Turner told the police he watched Hardy, another white man and a Negro mix up the drink in the barrel, and pour it into cans and jars. Turner got $10 from Hardy as pay for the liquor storage at his home, where it was hidden until transportation into Atlanta.

The alcohol drum and mixing barrel had been hidden in a gulley. Hardy had gone out to the Gwinnett farm last Monday afternoon and told him to get rid of the containers, the farmer said. Traces of liquor spilled in the abandoned farm house had been removed with kerosene.

The Negro man, unidentified last week but said to have been in on the mixing of the poisonous drink, was allegedly under arrest and showed officers the spot in a corn field where the liquor was hidden.

EIGHT UNDER BOND

Bonds of $2,500 were granted eight persons arrested on manslaughter charges in the case. They were listed as L. O. Reagen, 54, of Connally Street; Q. P. Jones, 37; Richard Weems, 30, of Mitchell Street; Willie Jones, 54, of Fraser Street; Willie Walton, 51, of Fulton Street, S. E.; Arthur Brown, 46, of Farrington Avenue, S. E.; Ethel Mae Williams, 24, of rear Washington Street, and Henry Stokes. Four other persons also had been placed under arrest.

It was understood charges of involuntary manslaughter were to be pressed against those involved when the case went to the grand jury Tuesday.

WHOLE FAMILY DIES

The list of dead reads like a Defense Department casualty release from Korea. It included a

whole family and their roomer. A 10-year-old boy was listed as a victim of the potion. Some of the sick and dead came from over a wide area of Atlanta, apparently persons who had party-ed in Peoples Town over the work-less week-end.

A white man and a white woman were dead and several whites were sick from the "stuff," giving impetus to the speedy action of police, who ordinarily only snipe at Atlanta's bootleg racket. Two men in a nearby "dry" county died of drinking the brew, and as far away as Nashville, Tenn., one person was hospitalized from drinking Atlanta's "swift-kick" corn liquor.

The pattern of suffering of the poison liquor sick was similar, although reactions varied as to time and intensity with each body condition. Some died within an hour after drinking the deadly fluid, while others lingered for hours before passing.

BRAINS IN STUPOR

Most of the victims first felt sick at the stomach, usually vomiting. Their brains in a stupor from the quick-acting alcohol, they either lapsed into unconsciousness or suffered the "blind staggers." Their sensory nerves completely affected, sometimes permanently, they experienced hemorrhages first in the lungs and then in other vital organs of the body.

Death usually follows entrance of the methyl alcohol into the blood stream. Doctors can do little after the "wood" gets into the life substance supply, technicians explain. The alcohol becomes formaldehyde after absorption from the stomach and the setting up of acute acidosis.

All of this spells poison and death for "bad, bad whiskey" drinkers.

Many Atlantans who went outside the city last week found themselves asked, jokingly: "Are you still alive? We thought everybody was dead or dying in Atlanta from that bad whiskey!" They apparently meant no harm, for Georgia's corn whiskey and bootlegging operations are just that widespread.

VICIOUS CIRCLE

Under its local option setup, Georgia has only twenty-nine counties which permit legal sale of liquor. The other 130 counties are "dry" state sub-divisions, but most of them are as wet with corn liquor as a water-soaked sponge. Political implications and accusations are numerous. Few years pass by in which high sheriffs and police in several areas are not indicted on liquor-dealing and still-operation charges.

Fulton County, in which Atlanta is located, has legal liquor stores. But, Fulton is ringed by "dry" counties, some of which reportedly are famous for their stills.

Atlanta has its "dry" areas where liquor stores are a mile or more away. It is in these areas that the bootlegger flourishes. Peoples Town is such an area. Drinkers find it more convenient to buy fifty-cent "shots" of liquor, and to quickly consume it in a convenient dive, than to go a long distance off where a half-pint can be bought for a little over a dollar. Even in their poverty and misery, they do not become "sociable" enough to pool up and buy the bonded drinks. On the other hand, there are those who say the "Government whiskey" is not as "good" as "corn."

STRETCHING

According to police, the methyl alcohol—trade name for methyl alcohol—can be bought in fifty-gallon drums for $1.50 to $2 a gallon. It is sometimes used to "soup up" racing car motors. The "souped up" liquor is distributed for around $6.50 a gallon and on down to the customer for fifty cents a jigger. Bootleggers often are accused of stretching liquor to profiteer.

One highlight of the Peoples Town investigation was the rumor that a bootlegger war in the area led to the mass poisoning. One angle was that rivals put in the "wood" to trace a hijacker. There has been some knowledge of undercover beatings and threats from the bootleg trade, but residents refuse to talk openly. Police are said not to molest the 'leggers except with an occasional raid, and light fines given allow them quickly to resume operations.

Other known bootleggers were "taking low" last week, but expressing confidence that their "stuff" was all right. Nevertheless, the poor and the ignorant were in the middle — a middle which a few days before paid off in death from "bad, bad whiskey."

According to information, corn is wheeled into Atlanta to predesignated spots and picked up by a runner who "sets off" at the houses dispensing the stuff to customers. Occasionally liquor has been found on church premises in the Peoples Town area, apparently stored by runners.

Corn whiskey, according to imbibers, is usually crystal clear, but the poisoned type may be of milky appearance. Some drinkers use various tests to see if it's "all right" before dunking it down.

38th Victim Claimed by Death Mix

The 38th poison liquor victim died Thursday on the eve of a Fulton County Grand Jury investigation into murder charges against John R. "Fat" Hardy, 44-year-old ex-convict, charged with mixing the deadly brew.

Meanwhile, an Atlantan Thursday filed a $100,000 damage suit against Hardy and three others, alleging his wife died from drinking the poison liquor.

John M. Holloway, 43-year-old Atlanta truck driver, died in a Nashville, Tenn., hospital. Officers said Holloway drank some corn whiskey obtained Oct. 24 near his home on Capitol Ave. He became ill at Manchester, Tenn., while en route to Nashville and was rushed on to a Nashville hospital.

Tennessee authorities ordered a post mortem examination.

Lewis Rivers, Negro, of 592 Ami St., S. E., filed suit in Fulton Superior Court against Hardy, Roger William Smallwood, Richard Weems and L. O. Riggins, alleging the first three mixed the poison liquor, transported it with Riggins to persons who sold it to his wife, Mella Mae Rivers. The suit claimed the woman bought the whiskey Oct. 21 from Willie Jones at the rear of 480 Frasier St., S. E., drank some of the concoction, became ill immediately and died the next day.

The suit also asked that the defendants be enjoined from disposing of any of their assets. Judge Jesse M. Wood issued the injunction, setting a hearing November 14.

Hardy, meanwhile, was under police guard at Grady Hospital recovering from a broken arm and other injuries suffered in an auto accident near Athens. Lt. L. T. Bullard said the Grand Jury Friday would consider charges against the 360-pound Hardy and later would investigate 14 others who are under bond for involuntary manslaughter.

Holloway's death brought to three the number of white persons who died from drinking the mixture of methyl alcohol, corn whiskey and well water. Investigators said the concoction was mixed on a farm in Gwinnett County, near Duluth, and then brought to Atlanta.

NAMED IN SUIT
John R. Hardy

Altantan Held In Selling Drink That Killed 30

360-Pound Former Convict Seized in Hospital, Will Be Charged With Murder

ATLANTA, Oct. 25 (AP).—A former convict was arrested on a manslaughter charge today in the deaths of thirty persons who drank a deadly moonshine mixture of wood alcohol and water.

Solicitor General Paul Webb announced that John R. Hardy, a 360-pound Atlantan whose Federal Bureau of Investigation record shows several convictions of liquor law violations, was taken into custody at an Atlanta hospital on a warrant issued last night.

Hardy went to the hospital for treatment of injuries he said were suffered in a car accident near Athens, Ga., yesterday.

Three persons died in hospitals in and around Atlanta during the night to bring the death toll to thirty. Police charge that Hardy brought the illegal liquor into Atlanta and pressed a hunt for another man accused of mixing the deadly brew.

Solicitor Webb said the man who made the liquor would be charged with murder when captured and that he would demand the death penalty. He would not reveal the man's name, saying it would hamper the police search.

Of thirteen persons arrested by police, eight have ben charged with involuntary manslaughter and placed in $2,500 bond. The others are still being questioned.

Since the first deaths Monday night, 207 persons have been treated at the municipal hospital.

Columbus, Ga., police restore order after Negro district melee

COLUMBUS, Ga., May 1—(AP)—Police reported they had restored order today after a melee in a Negro district resulting from the explosion of a hand grenade or a similar object behind a squad car.

Capt. J. D. Armstrong said the flare-up came around last midnight, when he and other officers answered a call to a fight at a Negro establishment in the area.

As they were leaving, he said, a blast went off behind their machine. A small hole was torn in the pavement and the police car and two other autos parked near by were struck by explosive fragments. No one in the cars was injured.

A POLICE CALL sent civilian officers and military police from nearby Ft. Benning hurrying to the scene. The police ordered shown all business and entertainment places and cleared everyone from the streets.

Several Negroes were treated at the city hospital for injuries. It was not clear just how they were hurt. None appeared to suffer from serious injury.

At least three Negroes were under arrest. Their names were not released, since the police said no specific chrarges had been brought.

POLICE BLOTTER

Shoplifting Charges for 3 Women

Three young Negro women who are charged with conducting a land office business in selling merchandise on orders from Atlanta department stores Tuesday were bound over to Fulton Criminal Court under $500 bond apiece on larceny charges.

Witnesses said they saw Mary Alice Allison, 25, Louise Guffie, 22, and Lillie Simpson, 20, all of 484 McDaniel St., S. W., slip slacks under their clothes, police reported. Detectives said the trio took orders from "window shoppers" as to size, color and article, then delivered the goods at half price.

Department store officials claimed a heavy loss in the department where the trio allegedly operated.

Atlanta's 57th Homicide Of Year Added To Police Blotter

BY GEORGE COLEMAN

Atlanta's 57th felonious homicide for the year has just been recorded in the crime blotter of the Atlanta Police Department. It was recorded Tuesday, less than forty eight hours after the 55th and 56th homicides were reported.

The latest victim is Willie B. Smith, 29, 211 Chestnut Ave., Apt 3. He was pronounced dead at approximately 9:30 a. m. Tuesday, at Grady Hospital after a swift series of events involving three other people.

CORONER CALLED

The cause of death has not been officially determined. Smith reportedly was struck Monday night in the head with a brick. Investigating officers reported a wound in the top of his head, but a post mortem will be held to determine what caused the death of Willie B- Smith.

Homicide Detectives H. E. Burdett and M. W. Blackwell entered the case Tuesday morning, immediately after the man's death. They inspected Smith's body, and stated the wound in the top of the man's head was the only mark or bruise upon his body.

The officers then talked with several witnesses who were quoted as saying a brief encounter took place Monday night, involving Smith, and two other people. These two people were identified as Jimmy T. Campbell, 28, 147 Cain St., and his wife, Virginia.

Smith allegedly attacked Mrs. Campbell, striking her on the side of her head, and stabbing her in her neck. Campbell then reportedly picked up a brick and struck Smith in the head with it.

Detectives Burdett and Blackwell said Campbell also sustained a wound in his back. Campbell and his wife were taken to Grady Hospital for medical treatment, and released at 10 a. m. Tuesday.

VICTIM ARRESTED

Meanwhile, Smith was arrested at 12:45 a. m. for wife beating by Radio Patrolmen Mundy and Copeland. His wife, Mrs. Preva Smith was treated for a cut over her left eye, and a bruised foot.

While under arrest, Smith was taken to Grady Hospital for treatment. He escaped at approximately 4:35 a. m. But he was later found by neighbors and relatives and returned to the hospital in an unconscious condition. He was pronounced dead at 9:30 a. m.

Smith's body was placed in the city morgue, to await the outcome of a post mortem. Campbell was arrested and tentatively held on suspicion of murder.

2 Women Tell Goon Terror in Death Car

Summerville, Ga., July 31 [Special]—Two women today told of screaming helplessly as a mob of about 25 CIO goons seized their automobile and upset it, killing one of the six women occupants on their way to work.

The two were witnesses at the murder trial of Roy McGraw, 42, a striker, who was identified by two other witnesses as among those who helped upset the carload of women.

The state has indicated it is seeking the death penalty against McGraw, the first of six men and four women to be given separate trials for the slaying June 18 of Nellie Leone Tucker, 45.

"Let's Get 'Em"

The defendants are members of the CIO United Textile Workers which conducted an unsuccessful strike from May 28 to July 7 against the Berryton Mills, Inc., at nearby Berryton.

"We hollered and hollered as the car went over," related Miss Barbara Strickland, 24, the driver of the death car.

A moment before, she said, someone in the crowd assembled around the mill entrance had shouted: "Come on! Let's get 'em." Superior Judge Freeman McClure ordered this stricken, however, upon a defense objection.

Tried to Get Out

"Then about 25 or 30 people came toward our car," the driver went on. "Miss Tucker tried to get out. I reached across my mother, who was sitting in the front seat between me and Miss Tucker, and tried to grab her to keep her from leaving. I thought she'd be safer inside.

"The crowd just grabbed the car on my side and turned it over. As it lay on the side, I looked over to see about Miss Tucker. I could see her head out of the door and the rest of her body in the car. The car was pressing against her head.

"I pulled on my mother to try to keep her weight off Miss Tucker, but I couldn't."

Tries to Lift Car

She said that Mrs. Bessie Nelson, one of the three women in the back seat, stood up inside the overturned car, standing on the glass broken out of a side window, and tried futilely to lift the car off the dying woman.

"Then a trooper got some people to help turn the car back up," Miss Strickland testified. "Miss Tucker had a bad cut across her face. She was dead."

Another occupant of the back seat, Miss Mildred Westbrook, confirmed Miss Strickland's account. She said the car remained on its side about 5 minutes before it was lifted and Miss Tucker was extricated. "Her head was crushed," Miss Westbrook told the jury.

Lt. P. C. Peacock of the Georgia state patrol testified he arrested McGraw. He said he seized him from the group that upset the car and that he saw McGraw with his hands o nthe auto as it was being turned over.

Richard Edwards, a worker en route to his mill job that morning, also testified he saw McGraw in the group that overturned the women's car.

Indictment Returned In Atlanta Liquor Deaths

ATLANTA, Nov. 3—(AP)—The deaths of 38 persons from liquor poisoning here brought indictment today of John R. (Fat) Hardy, 360-pound ex-convict, on five counts of murder.

The Fulton County grand jury charged Hardy with the deaths of five Negroes. Attaches of the prosecutor's office said indictments against Hardy for other deaths in the mass poisoning probably would be presented to the incoming November-December grand

The thirty-eighth victim of the brew, a 43-year-old truck driver, died yesterday in a Nashville, Tenn., hospital. He is reported to have obtained poisonous liquor October 24 near his home here.

3 Numbers Kings Indicted by Grand Jury

$45,000 Bail Holds Jones, Roe, Davis

BARED OPERATIONS

'Sang' to Halt White Syndicate's Invasion

CHICAGO (ANP) — This week end was a rugged one for Chicago policy kings Edward P. Jones and Theodore Roe. The grand jury has voted a true bill against Jones, Roe and Clifford E. Davis, partners, charging conspiracy to violate the lottery laws through the operation of their policy games.

Jones and Roe also reported to Judge Charles S. Dougherty in Felony Court on conspiracy warrants issued against them following testimony they gave before the Senator Ketauver Congressional Committee. The case here was continued until Feb. 9.

The true bill was voted against Jones, Roe and Davis on the basis of three weeks of testimony before the grand jury. Among the parade of 50 witnesses were runners, policemen who have raided policy stations and others.

Auditors Books Viewed

The grand jury also viewed books depicting the financial operations, both from the bank and from auditors, of the famed Jones brothers wheels—the Maine, Idaho and Ohio.

These books revealed that the Jones operations, only one of 34 in Chicago, handled approximately $4,556,776 from July 1, 1949 to June 30, 1950, netting a profit of $403,183 after expenses were paid.

The State's Attorney's office here said official indictments against Jones, Roe and Davis are being prepared.

In the true bill, the grand jury also named Jones's mother, Mrs. Harriet Jones, and his brother, George Jones, as co-conspirators, but does not name them as defendants. Both are reported to be living in Mexico.

Wheels Roll On

In the meantime policy wheels have been found operating in the suburbs of Evanston and Maywood, bordering Chicago. These wheels are said to be run by whites, although colored people are the policy customers in general.

Troubles for the policy racket, as operated by the Jones brothers, began when Ed was subpoenaed in December to appear before the Kefauver Committee investigating organized crime in the United States.

Ed Jones left Mexico to be a witness, and Roe also testified. Both men were handed warrants by State's Attorney John Boyle, when they completed their testimony.

While both spoke freely before the Kefauver group, white policy operators refused to talk. So far they have not been arrested nor accused of any crime.

Talked to Half Syndicate

Bond was set at $25,000 for Jones because of his residence in Mexico during the past few years. Bond for Davis and Roe was set at $10,000 each.

If found guilty, the policy operators are subject to maximum prison terms of one to five years and a fine of $2,000 each.

Whether or not policy operated by colored persons will continue on Chicago's Southside is a question many persons are speculating on these days. Jones and Roe both are said to have told so much about their business in order to halt the invasion of the so-called syndicate said to be operated by Al Capone mobsters.

Although outward evidence of policy-playing have been reduced, it is still possible to play your favorite gigs in Chicago with little more than minimum trouble.

MILLION DOLLAR DOPE ROUNDUP BARES THEFTS

Parents of Addicts Tell Pilfering

Police probing ramifications of a million dollar dope ring preying on high school pupils yesterday sought two known juvenile addicts, a girl 13 and a boy 14, for questioning, and prepared to interrogate more parents.

Parents of addicts, traced thru 700 pawn tickets found in the home of the chief narcotics distributor, disclosed children had been stealing from their homes to get money to buy heroin and marijuana. The stolen items ranged from diamonds to topcoats.

Lt. Thomas Brennan of the Warren av. station broke the ring Thursday night with the arrest of Eldred Wadlington Jr., 30, Negro, 2744 Wilcox st., named as the ring's top distributor. Four other men, two women, and two teen-age girls also are in custody. They will be arraigned Monday before Judge Gibson E. Gorman in Narcotics court.

Steal from Own Homes

"Checking on pawn tickets disclosed that the children had stolen most of the items from their own homes," said Miss Fern Jackson, a policewoman, who first tackled the case. "The parents we have talked to say the children took dollar bills from pantry hiding places, as well as portable radios, suitcases, suits of clothes, topcoats, diamond rings — anything that could be pawned.

"The parents were not suspicious about these disappearances, just baffled. They said their children seemed sleepy and dopey, often stayed out too late at night, and seemed to be in poor health."

When homes failed to yield enough pawnable items, Miss Jackson said, the young addicts apparently turned to pilfering automobiles and to burglary. The girl and boy being sought are wanted to give testimony about other suspected members of the ring.

Two Pupils Give Tipoff

The first direct information about the ring came from two pupils at Flower Technical High school, "Frances" and "Theresa." Frances' mother, informed by an anonymous telephone call that her daughter was an addict, took her to Lt. Brennan.

The girl told of being supplied with heroin at $2.50 a capsule by a woman. Police arrested Miss Mary Lou Cox, 24, of 4843 W. 43d st., a waitress, as the woman. Her arrest led to the seizure of Wadlington, Joseph [Marble Eyes] Grieco, 19, of 1253 Cabrini st.; Joseph Galassi, 19, of 4944 Rice st.; Sam Kirkland, 27, Negro, of 2744 Wilcox st., and Miss Mayetta Buckner, 22, Negro, of 3141 Warren av.

The fifth man, Dennis Nolan, 22, of 2322 Huron st., was arrested in company with Miss Cox. Police said he is not a known addict.

When arrested in a police trap Wadlington had five heroin capsules in a gold compact. In his basement apartment police confiscated 50 more capsules, five grains of morphine, and a pint jar of marijuana. The pawn tickets found there covered pledges on articles valued at $5,000.

In the 20 minutes police were in Wadlington's flat, telephone calleds ordered 20 "caps of H" [capsules of heroin].

Seize Narcotics

[TRIBUNE Photo]

Mayetta Buckner, arrested at 2744 Wilcox st., looking at objects used in narcotics administration and pawn tickets seized by police.

Gets Five Years in Jail

Judge Gorman yesterday sentenced Charles Johnson, 28, Negro, of 15 S. Wolcott av., a truck driver, to five years in the county jail for possession of narcotics. Johnson, with a record of larcency and burglary, had 13 marijuana cigarettes when arrested June 28. This was the second five year sentence imposed under the new state narcotics law.

The first attack on its constitutionality was made in Criminal court by Daniel A. Wolf, attorney for Betty Johnson, 38, Negro, of 1210 S. Peoria st., charged with possession. Judge Thomas A. Kluczynski set Sept. 7 for a hearing on Wolf's motion to quash the indictment.

Vet's Family Asks Probe Of 'Suicide'

The family of Credell Franklin, 38 year old Chicagoan who was found hanging in a LaPorte County, Ind. jail cell have asked for an investigation of circumstances surrounding his death.

Franklin, a veteran of four years of Pacific action in World War II had been working as a laborer on a Pennsylvania Railroad gang. He was arrested with Edward Johnson a fellow laborer, also of Chicago Friday, Oct. 12 by Detective Frank Wallace of the Indiana State Police.

CREDELL FRANKLIN

dead and termed it a clear case of suicide. Edward Johnson went to trial the same day and was fined and released.

Leo DuBose, nephew of Franklin, who is also a veteran said that reports of officials do not check and cast doubt on how his uncle died.

Franklin was estranged from his wife. His daughter, Yvonne, 14 lives with his mother, Mrs. Viola Franklin in Chicago. The body was returned here for funeral services and burial in Lincoln Cemetery.

The two men were charged with drunkeness and disorderly conduct and were scheduled for trial, Monday, Oct. 15.

According to Roscoe Carter, turnkey in the jail, he found Franklin hanging by his belt and two towels early Monday. Coroner Russell Beck of Michigan City, Ind. pronounced him

$557,997 Discovered on Deposit in Bank

Four Share in Huge Chicago Policy Racket; Securities Held in 'Safe Keeping' Bared on Demand of Officials

CHICAGO (NNPA) — Four beneficiaries of the Jones brothers policy racket empire have $557,997 worth of securities on deposit with the Drovers National Bank for "safe keeping," it was disclosed Monday.

The disclosure was made when the bank turned over to the State's Attorney's office its records involving members of the Jones family in response to a subpoena issued by Chief Justice Frank M. Padden of Criminal Court. The records were wanted in connection with the current grand jury investigation into policy gambling.

The records showed that Ed Jones, long recognized as king of the policy operators, who now spends most of his time in Mexico City, has on deposit securities with an estimated value of $111,662. His brother, George, has securities valued at $235,919.

Their mother, Harriett, has securities valued at $142,216, and the two brothers, as trustees of the estate of McKissack Jones, a brother who was killed in an automobile accident, hold in trust for Edward P. Jones Jr., securities valued at $68,200.

Do Not Represent All Assets

These securities do not represent all the assets of the Jones empire. Ed Jones, arrested after he had testified before the Kefauver Senate Crime Investigating Committee, told State's Attorney John Boyle that he owns considerable real estate on the South Side.

He also owns and operates an automobile agency in Mexico City.

Ed Jones's holdings, as listed in the bank records include: United States bonds. $2,500; 12 Western Union gold bonds, $12,000; 185 shares of American Telephone and Telegraph, $28,027; treasury bonds, $10,000; 500 shares of Commonwealth Edison, $14,250; 200 shares of Allied Chemical and Dye Corporation, $12,980;

One hundred shares of William Wrigley & Co., $7,620; 100 shares of Consolidated Aircraft Corporation, no value given; 450 shares of Packard Motors, $1800; 25 shares of A.T. and T., $3,795; 40 shares of Air Fleet, Inc., $240; 200 shares of Chrysler Corporation, $14,200, and 250 shares of Drovers National Bank common capital stock.

New Stock Value

Although no value is given for the bank stock, this is presumed to be the new stock, issued after a 10 to 1 split last Oct. 25. The last bid on the new stock was $17, with none offered. This would make the value of the bank stock on the basis of the latest bid, $4,250.

Similar holdings were reported for George Jones and his mother. Each also owns 250 shares of the Drovers National Bank.

The McKissack Jones trust includes $67,500 in Government bonds and $1200 worth of A.T. and T. stock.

The George Jones holdings include 323 shares of A.T. and T. stock for which no value was given. The last quotation on it was 151⅜, which would make it worth $49,893. His holdings also include 600 shares of Commonwealth Edison stock.

Aimed at "Hoods"

In commenting on why Jones and Theodore Roe talked during the investigation, Lewis A. H. Caldwell, author of "The Policy King," a sociological report on the racket in Chicago, declared,

"They talked so that they could prolong their stay in business before the big white racketeers move in. There is no deal with police.

"These men figure that if they let the world know the big money in this business, the "hoods" will hesitate to move in very soon. The only thing that amazed me in this case was not what they told the committee about the racket, but the amount of money made in it."

Smart investments, however, are only one side of the fabulous financeering of the numbers men —one of 34 wheels in Chigago.

Excellent Accounts Kept

More fantastic still is the operation of one of Ed. Jones wheels, the Ohio - Idaho, whose accounts are kept at the Drovers bank. Between Nov. 18, 1947 and Dec. 20, 1950, this wheel took in $1,978,165.77, and paid out 2,312,932.36.

The larger expenditure total was based on a $448,104 deposit as of Nov. 18, 1947.

In keeping an articulate record of money handled through this business, the Jones brothers kept accurate accounts of payrolls, bonuses, payments of winnings, and payments to themselves. Auditors and accountants checked on finance.

Left in the account of Dec. 20 was $113,337.36. Weekly profits last April averaged $23,938,35 with income of $77,815.55 and outgo of $50,326.61. For 1948, the wheel paid 75 runners $203,487 in wages including a Christmas bonus of $21,945. The 1950 bonus was only about $18,000.

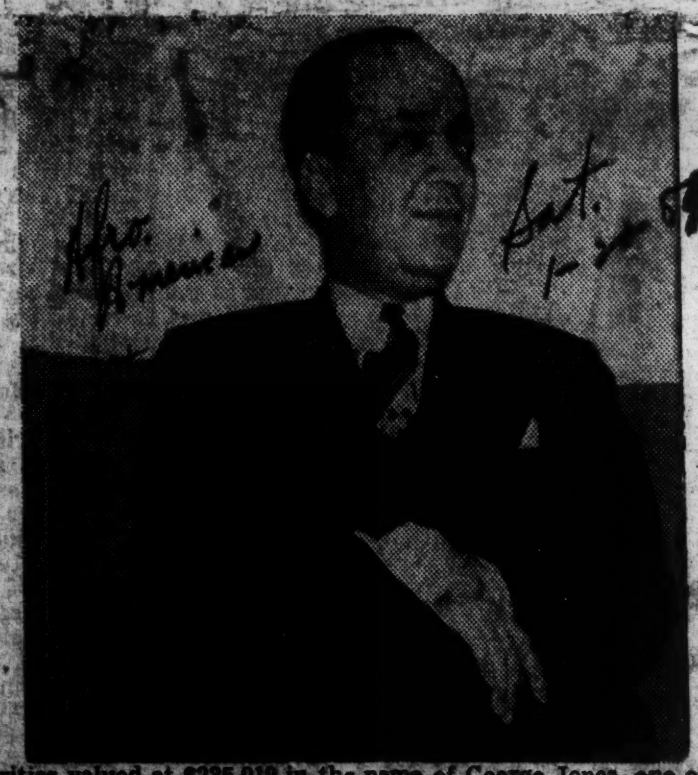
Did Not Pay Bribes

One thing about these records was that they supported Jones' boast that he did not pay any political bribes to stay in business. State's attorney's assistants, however, believe that such payments could have gone out as payments to winners who are unnamed in the records.

Average runners are said to collect about $64 from each drawing or $128 a day. Of this sum they are reported to get 25 per cent.

In the meantime, white policy operators have continued to refuse to testify before the grand jury. State's Attorney John Boyle threatened the arrest of Tony Accardo, said to be the nation's biggest racketeer, if he continued to refuse to talk.

His Securities Worth $235,919



Securities valued at $235,919 in the name of George Jones, one of the fabulous Chicago Jones brothers were found in a Chicago bank last week. His holdings include 323 shares of A.T. and T. stock and 600 shares of Commonwealth Edison.

Year by Year Record of the Jones Bros.

CHICAGO — Here's the year by year record of the rise to fame and fortune of the fabulous Jones Brothers, king pins of the Chicago policy racket.

1925

Federal officers said [illegible] his policy business [illegible] modest scale, [illegible] sent them to a syndicate [illegible]. He prospered, established a sta[illegible] hired his two brothers, George and McKissack, to help him.

Making the right connections, he established his own wheel.

1929

Jones Brothers assets at this time were valued conservatively at $25,000.

1931

Assets of the Jones Brothers were listed as cash in the bank, $8000; U.S. bonds, $116,000.

1932

McKissack Jones reported kidnapped on a February night as he returned from a Chicago cabaret. Relatives reportedly paid $25,000 ransom. Belief was expressed that he was abducted by rival policy racketeers.

1933

Edward Jones testified his income from policy wheels averaged $2,000 a day.

1938

Jones Brothers assets:

Cash in 25 separate banks	$204,000
Government bonds	562,000
Annuities	123,000
Industrial bonds	143,000
Stocks	113,000
Real Estate	229,000
Municipal bonds	107,000
TOTAL	$1,481,000

Edward Jones testified under oath that his income from three drawings a day at his policy wheels was $10,000 every 24 hours.

1939

The Jones Brothers, owners of a department store, called city's largest policy bankers, were held up by six armed white men, who took loot totaling $10,000 to $20,000.

No report of crime made to police.

1940

Jones Brothers, accused by U.S. Treasury Department of evading $2,087,026 in income taxes. Because of statute of limitations, the indictment was lowered to one million dollars for the years 1933-37.

1941

U.S. agents declare policy a 200 million dollars a year business. Thousands play daily at odds of 7,776 to 1.

Protection cost the barons $35,000 a year.

U.S. Attorney general's files showed one operator took in 2 million annually of which 33 per was profit. He set aside for court troubles, 22 and one-half per cent.

The Jones Brothers lived well, rode horseback every day through Chicago's Washington Park. Edward employs three livered chauffeurs, seldom wears same suit more than five times.

The department store, employing 200 persons, and tailor shop are side lines.

Reports that Ed Jones would seek pardon denied. He's serving 28 months in Federal pen at Terre Haute, Ind., for income tax evasion.

1942

Uncle Sam gave Jones Brothers an income tax refund of $526,924.

Criminal charges of tax evasion against George and McKissack were dismissed.

An attorney and one tax deputy in the income tax department were charged with aiding the tax evasion of all three brothers.

The Government said Ed's gross income for 1933-38 was $803,650; George's $454,891; and McKissack's $589,723.

McKissack Jones, youngest of the Jones Brothers killed in an automobile accident, left an estate of $443,826.

His widow was left a trust fund of $150,000, a nephew, $50,000, and the remainder went to his mother, nieces and nephews.

1946

Edward Jones kidnapped on May 11 and held for six days, Chicago police find him at corner of 62nd and Loomis Sts., early on the morning of the sixth day.

Reliable reports indicated his brother, George, flew from Mexico and paid his abductors, $100,000 ransom.

In June, when a grand jury investigation was pending into his many disappearances, Ed Jones dropped out of sight again and conjecture at that time placed him at his Mexico City house.

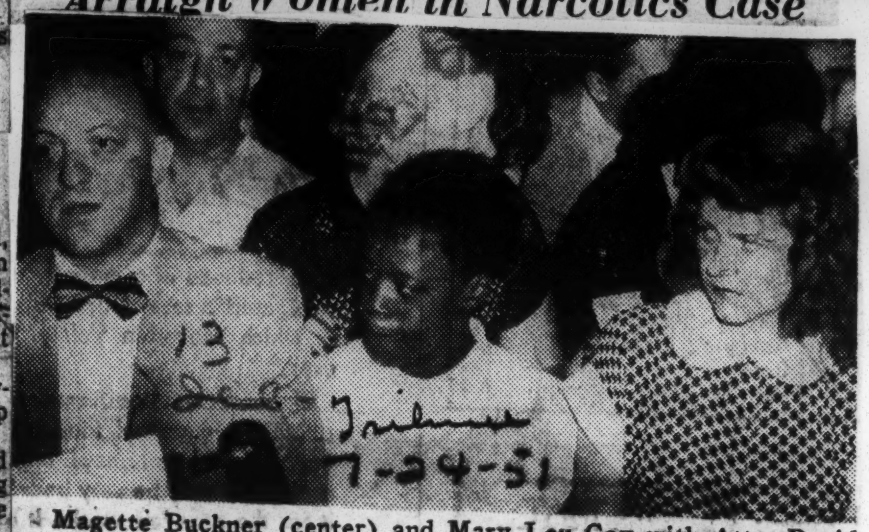
Also, in this year, inheritance tax office reports showed the Jones Brother's partnership in July, 1945 had assets of $1,153,193.

1950

Ed Jones posted $25,000 bail and his associate, Theo. Roe, $10,000 bail after indictment on charges of conspiracy to sell lottery policies was handed down by Chicago grand jury the week of December 30, 1950.

The indictments were voided as a result of the Kefauver U.S. Senate Crimes Investigation Committee inquries into lottery in the case.

Arraign Women in Narcotics Case



Magette Buckner (center) and Mary Lou Cox with Atty. David White before bench in Narcotics court yesterday. [TRIBUNE Photo]

GUARDS POSTED AT HOMES OF 2 DOPE SUSPECTS

Mothers Are Warned Not to Permit Testimony

Police details were ordered posted yesterday at the homes of two Narcotics court defendants whose parents received threatening telephone calls warning them not to permit their teen-age children to testify against arrested members of a narcotics ring.

The details were ordered by Judge Gibson E. Gorman after a hearing in his chambers. The mother of one of three juveniles, who are alleged dope addicts, told Judge Gorman she received calls Wednesday and Friday warning her not to permit her daughter to testify against Miss Mary Lou Cox, 24, of 4843 W. 43d st., named as a dope supplier.

Mrs. Rose Fisher, 1253 Cabrini st., mother of one of the defendants, Joseph Grieco, 19, told Judge Gorman of similar calls warning her not to permit her son to testify.

Woman Betrays Dope Ring

The six members of the ring were arrested by Maxwell and Warren av. police after the mother of a 15 year old high school girl was informed in an anonymous phone call that her daughter was a dope addict.

Miss Cox was arrested Wednesday night. She in turn gave police information which led to the arrest of Grieco and Joseph Galassi, 19, of 4944 Rice st., who Miss Cox said supplied her with the narcotics.

The pair named as their supplier Eldred Wadlington Jr., 30, Negro, who was arrested in his apartment at 2744 Wilcox st. In the apartment police seized Sam Kirkland, 27, and Miss Mayetta Buckner, 22, of 3141 Warren av., both Negroes. Police also found quantities of heroin and marijuana.

Police Given More Time

After hearing of the threats yesterday, Judge Gorman continued the charges against the defendants to July 26 after police asked for more time for investigation. Wadlington and Kirkland were charged with possession of narcotics. The others were charged with being drug addicts.

Tomas Garza, 24, of 911 S. Racine av., Aurelio Sanchez, 23, of 759 Madison st., and Richard Pena, 25, who gave no address, were seized by police yesterday in their narcotics drive.

Watch Narcotic Dealer

On an anonymous tip, Detectives William Sullivan, William Wilson, and William Mahoney went to Monroe and Halsted sts., where they observed Garza making deals with teen-agers and others. Sanchez handed Garza 13 heroin capsules, receiving money in payment. Garza then sold a capsule to Pena. All three men were arrested.

Police said Garza was refunding money paid in advance for dope to be delivered to him by Wadlington. Wadlington's arrest on a quantity of raw heroin and heroin capsules were found. Marshalled Garza's supply, they said, was admitted to Lt. Joseph Healy Jake Marbray, 47, Negro, of the narcotics detail he had 4129 Michigan av., was arrested been a dope peddler 24 years and yesterday in his apartment where had served time in Leavenworth, Kas., federal prison.

13 1951

Kansas

Body Of Negro Key Witness Found In Kansas

KANSAS CITY, Kans. — A Jackson County Grand Jury will investigate the murder of Matt Jones, key witness in a circuit court case whose body, weighed down with a block of concrete, was found in the Missouri River last night.

Circuit Judge John F. Cook said today he would set the wheels in motion to call the grand jury as soon as possible. He said a jury was to have been called Aug. 10 but if it is summoned immediately it will have more time to investigate the slaying.

Meanwhile, the Kansas City crime commission offered a $10,000 reward for information leading to the arrest and conviction of Jones' killer or killers.

Jones, 48-year-old Negro, disappeared late Sunday night, 12 hours before he was to have appeared as a witness in the contempt of court case against Kansas City Criminal Lawyer Alfred H. Osborne. His body was found in the Missouri River near Waverly, Mo., about 80 miles from Kansas City. An inquest determined he met death by multiple head wounds and drowning, indicating that he was still alive but unconsciuos when thrown in the river. Police still have not learned the exact location where Jones was dumped in the Missouri.

13 1951

Kentucky

Body Found On U. S. 60 Near Paducah

Foul Play Suspected In E. A. Pierson Death

Courier-Journal Paducah Bureau.

Paducah, Ky., Jan. 14.—Police today said they suspected foul play in the death of Erie A. Pierson, Sr., 68, retired house painter, whose body was found at the floodwall and U. S. 60 near the city limits.

McCracken Coroner Jesse Nelson said Pierson apparently had been beaten about the head and face. He suffered a fractured skull, broken nose, and lacerations of the scalp and face, according to the coroner.

Nelson said there were no broken body bones or any marks on the clothing to indicate he had been struck by an automobile.

Pierson lived on a farm near the Hinkleville Road.

Inquest To Be Held Tomorrow

Jack Darnell and his wife saw Pierson's body about four feet off the highway just inside the city limits at 9 a.m. today while on their way to church. They notified police. The body was taken to Lindsey's Chapel.

Nelson said he would hold an inquest at 2 p.m. Tuesday at City Hall. Survivors are his wife, Mrs. Lena May Pierson, a son, Erie A. Pierson, Jr., and a daughter, Mrs. C. T. Sutherland.

Two White Police Suspended After Negro Shakedown

NEW ORLEANS — (ANP) — Two white policemen, John J. Wild and Albert J. Belland Jr., have been indefinitely suspended following a complaint of a shakedown racket in which Negroes were the victims.

Police Supt. Joseph Scheuering said there may be more suspensions upon completion of his personal investigation into the complaints.

Schereting stated that the investigation was launched upon complaint of a man that police had been getting "$2 to $3 a week" to protect the Negro from a charge of carrying the weapon. He also complained that Belland struck him.

The police head said that his office had taken the shakedown complaints in the "200 block of South Rampart street," most notorious block along the famous Rialto of gamblers and prostitutes.

A check of the street by newsmen disclosed that the above named police have created a reign of terror for a number of months, actually pickpocketing people on the street, and holding kangaroo courts along the sidewalks. It is a known fact that women prostitutes were forced to pay off in order to carry out their nefarious vocation.

Police Charged With Bribery

NEW ORLEANS — (ANP) — The district attorney's office has accepted charges against a city policeman of aggravated robbery and public bribery, and bonds totaling $2,000 were fixed on the two charges.

The accused is Patrolman Albert J. Bellande Jr., and his two Negro victims are a bartender, not identified, and a woman, Dorothy Mae Meyers.

A second policeman, John J. Wild, escaped being charged by the DA's office, but Supt. of Police Joseph L. Scheuering said that both Bellande and Wild will be charged in the department with conduct unbecoming an officer.

An assistant district attorney said that charges of bribery had been accepted against Bellande because evidence was disclosed to the effect that the accused officer had forced Negroes to pay him for "protection."

The bartender alleges that he was assaulted by Bellande with a police billy after he "fell down" on payments to the officer. The victim said that he had made a total of $14 in payments to the patrolman.

Another forced to make bond of $3,000 was John Glossop, a city politician charged with operating a "shakedown" racket. His victim was Rozelia McCoy, 23, from whom he attemptetd to collect the sum of $100 for having obtained her parole on a police charge.

Glossop has been charged with extortion, and since the case has been publicized many other Negroes have appeared to press additional charges against the ward leader.

NEW ORLEANS POLICE UNABLE TO COPE WITH MOUNTING CRIME AMONG CRESCENT CITY NEGROES

Sharp Lawyers and Indifferent Defendants Make City Carnal House of Debasement

NINE PERSONS STABBED THANKSGIVING DAY

NEW ORLEANS.—(ANP)—This city's limited police force, not quite a 1,000 men when it should number at least 1,200, is beginning to buckle under an unprecedented crime wave and the end is not in sight. The city has just voted $40,000 for the addition of women to the force, but their duty will be confined solely to traffic.

Playing a leading part in the city's crime role is the Negro criminal who puts more trust in his lawyer than he does in prayer. And this is best indicated by the Negro felons indifference to the stiff penalties meted out whenever a conviction is obtained against him.

Negro criminals here commit some of the most brazen crimes, and when certain convictions stares them in the face their high priced attorneys surrender them to the court for sentence via the offering of a plea.

However the plea is the shortest route to certain conviction when offered, since the usual all-white juries are not favorably disposed to sending Negroes to the chair for the murder of other Negroes, either are they prone to send to the electric chair the rapist of Negro female, whether they be juveniles or adults.

Murder here means death in the electric chair, and so does aggravated rape. The narcotics peddler has 10 years facing him when caught, yet he takes the chance. Armed robbery carries a penalty of life time, but that doesn't matter to many of the felons.

Crime with them is a business, and it is the business of the police department to apprehend these parasites who plague society. But it cannot be done with an undermanned police force, especially when only two of that number are Negroes, and most of their time is spent in handling juvenile delinquents. Their is a good job, but when out killing birds the eagles should be shot first.

Thanksgiving day past, there were nine stabbings, one fatal. A woman killed her mate because he was caught with another woman. Here's a case of manslaughter, if she pleads guilty she may get 10 years. Should the judge be in a good mood, she may get only five. Who cares? The slain man was a Negro.

It's Saturday, and a Negro purse snatcher steals a purse from a white woman which contains $7. He made good his escape.

But here's Miss Bessie Baptist, a hard working woman. She was forced into a car at the point of a knife by a Negro and robbed of $3. The yeggman fled.

Next! Here's a customer this is always convenient for stick up men. The liquor store owner. A Negro bandit walked into a white operated store and after threatening the owners with a pistol, robbed him of $2, and took to the woods. Goodby, Saturday night.

But here's Sunday—the Sabbath Day. It means nothing here. It's just like any other day-crime day.

The boys are off to a good start as they enter a liquor store operated by whites, and take $600 from the till. Four ineffectual shots were fired at the fleeing bandits who escaped amidst the hail of lead.

But Sam Broadnax, 35, Aaron Jackson, 33, Edward Lewis, 44, and Lloyd Carter, 28, were not so fortunate. The quartette were one that just came in from police headquarters. Hold your breath. I'm signing off after this.

The police are searching for Charles Edward Ross, 46, for the shooting of three men, one fatally on early Sunday morning.

Dead is Mrs. Mary Fleming, 32. Mrs. Emma Fleming, 41, was hospitalized for a shotgun wound of the left shoulder, and Dave Jemison,44, for a gunshot wound of the side. Ross in the commission of his act, first dragged the woman from inside the house to the sidewalk and shot her. Brave fellow wasn't he? He'll plead guilty to manslaughter too, and get off with 10 years or less.

bagged by police and are being investigated for recent burglaries.

The scene now turns to homicide as Clifford Boyard, 29, was fatally shot by teen age Lester Brown 19, following an argument. The latter is held pending the investigation of the murder.

From murder we turn to rape, and we find a 19-year-old being criminally assaulted by four young Negro men, two of whom were about 16. The assault took place on the second floor of the Thomas Lafon school.

Now there's three days of crime in the Crescent City. Wish you were here? But wait! Here's

DISCUSSES GOD, SEX, CHICKENS:

Tunnel Joe Martyr for Prison Reforms

By VINCENT TUBBS
AFRO Assistant Managing Editor

BALTIMORE

"Tunnel Joe" Holmes's martyrdom is a certainty!

An hour and a half talk with Holmes has convinced me that the nation's most famous and ingenious prison escape is a martyr to the cause of prison reform.

It has long been recognized that there is something basically wrong with the American conception of prison rehabilitation and it now becomes a certainty that there is something catastrophically wrong with Maryland State Penitentiary.

Joseph Ellsworth Holmes is the man who is bringing the dirty linen of Maryland's prison system into the open.

He is the man because his escape was an act plucking every string of dramatics, sensationalism ingenuity and impossibility that could attract public attention.

There are others in the prison or connected with the prison who may literally burn at the stake for martyrdom akin to Holmes's, but history is not likely to record their names.

Tunnel Joe is the man, and a very unusual man he is.

He is cautious but he will take chances. He took a chance on me, and said so, when he left his cell to talk to the AFRO face to face.

The only hitch in getting to talk to "Tunnel Joe" is that you can't do it unless he wants to talk to you.

But if you talk to Joseph Holmes it is an experience you are not likely to forget. You will come away with opinions and attitudes you never had before.

And chances are, he will talk to you. He likes to talk. He has something to say. He doesn't say it too well because he hasn't enough words at his command, but he gets his ideas over.

I walked into City Jail after negotiating a maze of official chan-

Joe Gets 20 More Years on His Term

BALTIMORE — Judge Joseph Sherbow on Friday sentenced 'Tunnel Joe' Holmes to serve 20 years in the same institution where he gained national recognition last February by tunnelling his way to freedom — the Maryland State Penitentiary. He refused defense counsel pleas to let Joe serve his time in City Jail.

Joe, who had 10 years to go when he escaped, received five year for armed holdup and 15 for attempting to shoot a policeman. The 39-year - old prisoner will be 69 years old when he is released if he serves all the time without allowances for good behavior.

nels to arrange the visit in proper fashion, only to be told, at first, that Holmes wanted to be alone.

I sent back an explanation of what an obstacle course I had run to get to him and that all was strictly on the up-and-up; so he decided he would come down from his cell to the jail's lawyer's conference cage and if he liked my looks he would talk; if he didn't, he woudn't.

But you would have thought I was a long-lost friend from the broad smile on his face as I pulled up to the glass and screen partition between us.

He Falters on Big Words

When slightly excited or when trying to speak a big word where he is not sure of his pronunciation, "Tunnel Joe" stutters.

He is chocolate brown-skinned and slight of build, but broad-shouldered. He seems to weigh about 145 pounds but could easily carry 170. His waist is small and his feet small. He was wearing leather laced sandals, a colorful, plaid woolen jacket, brown sport shirt and blue dungarees. In his hand he held a pencil, sharpened crudely with about a quarter inch of lead exposed and whittled, but round on the end.

Joe Is Writing A Book

He had been writiing . . . obviously. He has done a lot of writing and is doing more. He has a book for sale, complete with detailed drawings, accurately scaled of the tunnel he dug. They are meticulously conceived and look like architects drawings.

He has other material in the book about prison systems, prison routine, prison life, prisoner's thoughts prisoner's ambitions, prisoner's problems.

He is not an ordinary person.

"Tunnel Joe" Holmes thinks a lot. His brow is furrowed but his eyes are bright and inquisitive. He seeks information hungrily and listens well. If you say something that interests him, he will aks you to speak louder and repeat it, maybe twice, to be sure he has got it firmly in mind.

One of his eyes, the left, is slightly cocked and there is a scar on the bridge of his nose. After he has used all the words he knows to explain something, he puts his hand to the bridge of his nose, closes his eyes and searches his mind for other ways to say it.

Mind Faster Than Tongue

His mind is faster than his tongue—and his tongue is plenty fast. He jumps from one subject to another, not because he is scatter-brained, but because he has so much to say and the words he wants don't come as fast as the thoughts.

His hands are busy. Not a nervousness, but twisting and turning his pencil. Once during our talk a guard tapped on the window and shook his head prohibitively. I asked why.

Holmes explained that marking on the face of the table was prohibited. He was merely doodling, like scores of big businessmen with active minds and busy hands.

He smiles easily, exposing irregular tobacco-stained teeth, the two front of which are gold. The incisor on the left side of his face is missing. And the right side of his face seems more full than to the left.

His hair is wavy, and specked in places with gray.

What He Wants Out of Life

When he gets away from details of his escape of which he is inordinately proud, he will tell you that—

He wants a poultry farm.

He wants, now, money.

He wants to serve his time in the City Jail rather than go back to the penitentiary.

He wants a chance to do something with his hands and his head while serving out his term.

He wants to work in the City Jail. He can cut hair. He is an amateur electrician, plumber and handy-man.

He wants friends on the outside.

He wants one special friend who will vouch for him when, and if, he ever comes up for parole.

He wants to go straight.

Figures Out His Freedom

"Tunnel Joe" can figure. He is 39 now and he has figured that he would be 46 when the remaining portion of his 20-year term is up —provided he gets time off for good behavior.

He has been in and out of prison most of his life and he has seen others go out and come back in. He wants to stay out next time.

Davis Lee His Teacher

And he tells that a man named Davis Lee, who professes to own a Newark newspaper and is a controversial figure because he says the South is wonderful, taught him much of what he knows while Lee was a fellow inmate of the prison.

And thus he gets back on his favorite subject—the prison system, the lack of opportunity for released prisoners, and his own future.

"You say Davis Lee taught you what you know about writing?"

"He taught me most of what I know. He used to help me a lot. Most of what I know, he taught me. He used to say he was a newspapermen, was he? He taught me to read and write."

Holmes Speaks of God

"I was baptized Catholic but God means something else to me. When I figure I've done wrong, I think I have to get right in myself.That where God is—inside a man. So far as that goes, My Mother is God to me. She's the closest material thing if you want to think about God that way."

Slow Answering Questions

Holmes gets leery of questions and if you're a keen observer you can see it. He begins to act testy and you can't be sure that the answers you're getting are right; so you decide to just let things roll along any way they will go.

You ask an opinion:

"What did you think of things out here while you were out?" This is better, He smiles and starts rolling.

"When I found out those meals were $1.85, I started just getting buns and milk. I like milk, anyhow. Man, I don't see how you make it, everything is so high."

"Did you spend much of your money? You said you had $152 when you got out and over $100 when they caught you?"

"Only for bus fares. And I won some money up there, y' know."

He tells you he once had $700 saved up toward starting a poultry farm when released and you ask him what did he do with it?

"I sent most of it out by my Mother."

There Are Ways to Make Money

"How do you make that much money in the prison?"

"Oh, there are ways," he says and he chuckles to himself.

The Fear Is Real

Holmes looks at you with a serious, resigned expression on his face. He isn't smiling anymore. His eyes wander away and he seems to be thinking. He puts his hand to the bridge of his nose. When he speaks again, he stutters again.

"I get along all right over here. I want to see my lawyer about getting them to let me do the rest of my time over here. It's just a matter of doing it one place or the other. I don't see why I can't do it over here."

Bells begin to ring, but Holmes doesn't move. The jail becomes a beehive of activity as prisoners and guards move at the bell's sound. Holmes looks up.

"Come back and talk to me again before I'm sentenced. I really didn't expect to be found guilty about that woman and that policeman. I didn't shoot at that man. Why with all the shooting he talks about, somebody would have gotten hit. I guess I'll get a little more time for escaping and I don't know about these other things. But come back before I go back over there. You won't be able to see me over there."

Won't Be Allowed Visitors

"What do you mean? When are visiting days? Can't you have visitors"

"Visitors twice a month But I won't be having any, I don't think."

When the guard calls "Come on, Joe, don't you want to eat" Holmes begins to talk rapidly. In an hour and a half, he doesn't feel he has said enough. He stutters badly in the rush and then gives up.

"Just come back," he finally says resignedly.

The guard waits for him patiently and Holmes turns to him and starts kidding with him about not bringing him a tablet or pencil or something which seems a joke between them.

He waves and saunters toward his cell.

Is His Mind 'Bad'?

Psychiatrists who have examined "Tunnel Joe" Holmes disagree on his mental condition. One says he is "good" and another say he is "bad." One says he is a pathological liar.

Holmes observed that the majority of questions put to him by the psychologists dealt with sex, which confused and embarrassed him. An observation on this is that the psychiatric approach to the state of mentality may presume that a caged man breaks down on sex first.

If Holmes is in any way "bad," the condition is prison-induced and could be easily remedied through an effective rehabilitation program But "Tunnel Joe" Holmes's case goes beyond the matter of known prison problems.

He is, of a certainty, martyr to the proposition that there is something radically wrong in Maryland State Penitentiary.

Sodomy and homosexuality are major problems of all correctional institutions.

Why 'Tunnel Joe' Came Back Home

BALTIMORE

Rich men and poor men, judges and convicts, along with 940,000 other Baltimoreans wondered Sunday why "Tunnel Joe" Holmes came back to Baltimore.

On Monday, the man who spent 19 months scratching his way to freedom through the bowels of the earth beneath Maryland State Penitentiary, smirked a little and condescended to give an answer.

"I was gonna get a ship out of the country," he told a magistrate and a tense, excited courtroom audience.

One spectator commented it was a good answer. But it wasn't.

And "Tunnel Joe" wasn't telling the whole truth.

Inner Drives

He did not divulge the inner drives that forced him to retrace his steps. He may still be unaware of what they really are but "a ship out of the country" is not one of them.

Psychologists insist that "Tunnel Joe" is a criminal psychopath and that he was impelled to return to the scene of the crime.

There is much truth in this. There is evidence to substantiate the belief that Holmes went directly to the vicinity of the State Prison on Saturday night when he left the YMCA after checking in there.

He had been back in Baltimore only a matter of an hour or so. He committed another crime and was captured within 11 blocks of the prison.

Sought Satisfaction

Why, in all the square miles that is Baltimore, was the man so very close to the prison?

His ego drove him to go back and look at the prison again. He derived "a great deal of satisfaction" out of standing on the outside looking in, just as he said he did when he first saw the sky through the outer opening of his tunnel.

But he was also looking at the prison with the same sensations that an average man would have upon revisiting the site of his childhood home and looking at the old homestead again.

"Tunnel Joe" Holmes was, consciously or unconsciously, homesick.

Sounds and Routines

It may be difficult for persons unfamiliar with institutional life to understand what Holmes feels about the prison. He has grown accustomed, over a period of years, to certain sounds and certain routines.

Once away from them, he missed them.

He did not know what to do with his freedom.

It required a far stronger will to stay away from the old routine than this man, who has spent most of his life under rigid prison discipline because he lacked the willpower to abide by the law, could muster.

Helpless on His Own

He missed regular meal times. He missed recreation periods. He missed the comraderie of the men he has known for eight years. He missed having guards and attendants to do things for him and tell him what to do.

He has never been a person to work for a living. He went to prison for burglary. Odd jobs and washing cars in Philadelphia did not appeal to him.

He could have gotten a ship out of the country from Philadelphia or Wilmington or New York or half a dozen other places along the Eastern Seaboard.

"Tunnel Joe" Holmes did not come back to Baltimore seeking a ship.

He came back because he was homesick.

Wanted the Limelight

He came back because he wanted to bask in the glory he knew awaited him in Baltimore.

Nobody in Philadelphia or Wilmington recognized him as the hero of the 70-foot tunnel scratched out by hand over 19 months right under the noses of guards.

Nobody in New Haven or Cleveland or wherever else he went in his two weeks of freedom appreciated him as the "engineering genius" Baltimore newspapers called him.

A man with Holmes's conceit cannot stand obscurity.

"Tunnel Joe" came back to Baltimore with the intention of getting himself caught.

He volunteered to his captor the information "I am an escaped convict."

He was probably very much hurt that the YMCA clerk, the woman he held up, and the officer who grabbed him did not recognize him.

But he had his big moment.

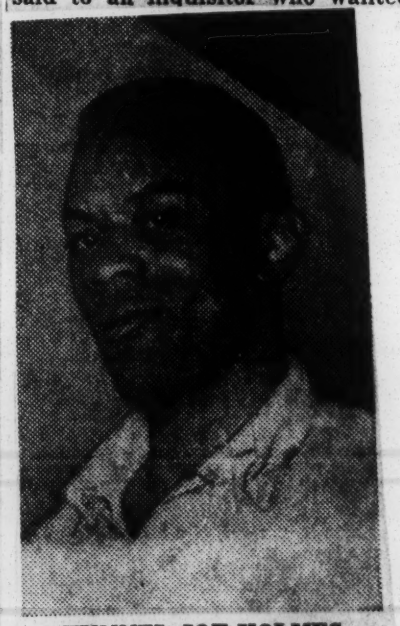
His "Finest Hour"

In his "finest hour" he held half a dozen interrogators spellbound while he recounted how he had effected his escape.

He talked glibly, without prompting. He volunteered answers to unasked questions. He disdained some of the questions to him and answered them with impatience and a show of disgust.

"It wasn't a noisy job," he quipped when asked about his underground tunneling.

"As long as the fuel light burned you were all right," he said to an inquisitor who wanted



TUNNEL JOE HOLMES

to know if he feared smothering. "There's oxygen in the water," he said, with the attitude that everybody should know that.

He was enjoying himself.

He came back to enjoy himself and he showed absolutely none of the remorse to be expected of a man who spent so much time to gain a freedom he enjoyed so briefly.

Holmes's Martyrdom

But there is still another reason that "Tunnel Joe" came back to Baltimore—with the intention and desire to be recaptured—that has not been fully disclosed.

There is but the faintest glow of it in official records that have been released.

"Tunnel Joe" feels himself something of a martyr.

He has implied, if not saying directly, that he dug his way out of the prison because he didn't like the way things were going over there.

He told questioners that things were different under the warden who preceded the present warden.

What did he mean?

He felt that he would "blow his top" because of some real or imagined injustice.

Acts of Protest

He brewed strong drink, played races, backed numbers and behaved incorrigably in a spirit of protest, he would have questioners beleive.

He came back to Baltimore to tell his story in the hope that the telling would put the heat on somebody. He was seeking no ship. There are no docks on Cathedral Street.

Mrs. Ruiz whom he robbed, is no ship's captain. A room in the YMCA is no ship's cabin.

"Tunnel Joe" came back to bask in his new-found glory. He came back to make things uncomfortable for the warden he thinks made him uncomfortable.

He came back to Baltimore and went back to the prison because, to him, that is HOME.

'Just a Fool,' Sobs Holmes

Reveals How He Banked Numbers in Prison to Get Escape Funds

BALTIMORE

"Tunnel Joe" Holmes, who caught public fancy when he tunnelled 70 feet to freedom from the Maryland Penitentiary two weeks ago, was recaptured in a blazing gun fight with police Saturday night, approximately a mile from the scene of his break.

"I was a fool to come back here!"

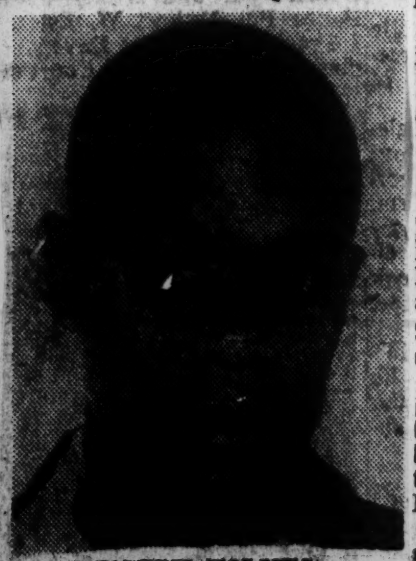
This was the dejected comment of the man who was hailed as an engineering genius on the front pages of newspapers all over the country because of his fantastic escape. He had eluded a State police hunt.

Crime Theory Vindicated

By his recapture, Holmes lived up to the theory advanced by criminal experts, namely that the criminal always returns to the scene of his crime.

Coat Gave Him Away

The 39-year-old convict, who was wearing a green shirt, blue pants and a brown hat and a grey coat, was taken as he sought refuse in a bowling alley at Howard and Monument Sts., two blocks from the AFRO office, after he had shot it out with police in a running gun battle. At the time of his arrest Holmes had over $100 in his pocket, police said.



JOSEPH HOLMES

The pursuit began after a 64-year old white woman reported that an armed bandit in a grey coat robbed her of $5 at 7:50 p.m., at Charles and Monument Sts., in the shadow of the city's Washington Monument.

The penitentiary on Forrest St. is in clear view from roof tops in the area.

Immediately, a description of the hold-up man was flashed on teletype and broadcast over police radios.

Patrolman Frank J. Punkett of Traffic Division who was cruising in a prowl car, at the corner of Monument and Cathedral Sts. saw a man walking north on Cathedral St. who answered the description of the bandit.

Allegedly Tried to Shoot

Plunkett became suspicious when the man reversed his direction and headed toward Monument St. and then went west in the direction of Park Ave.

Jumping from the car, Plunkett grabbed the suspect by the arm and spun him around. As he whirled, police said Holmes jabbed the point of a revolver into the patrolman's mid-section and pulled the trigger. The officer said he heard two clicks.

Lunging to the side, Plunkett drew his service revolver and emptied it with five shots as Holmes started to dash down Monument St.

Taking up the chase, Plunkett raced after the man, still not knowing that he was pursuing Joseph E. Holmes, who was sought all over the East with a $200 reward on his head, for the "fantastic" penitentiary break of Feb. 18.

Later, Plunkett told the AFRO: "If I had known it was Holmes, I would have approached him differently.)

Fugitive Fled in Circles

Hotly pursued, "Tunnel Joe" led the officer west on Monument St. to Park Ave., then south on Park Ave., back to Monument St., into Madison St., and west on Tyson St., where he veered back to Monument St.

As he broke out of Tyson St., panting but still sprinting in his race to avoid recapture, Holmes was spied by detectives in another prowl car, who were among the scores of policemen who had converged on the area following the reported holdup.

Desperately trying to keep the freedom that he had garnered, Holmes allegedly cut loose a volley of shots and the detectives returned his fire as he ran into Howard St., upon which the usual Saturday night crowd was encountered.

Captured Without Wounds

Dt. Sgt. James A. Downes leaped from the prowl car, his gun drawn, and was right behind Holmes as he flung open the door of the Recreation Bowling Alleys on Howard St. and headed up the stairs.

On the ninth step, Sergeant Downes grabbed him by the arm and Holmes turned, according to Downes, pointing his gun point-blank at the officer.

Dropping his own gun into his pocket, the sergeant said, he threw an arm lock on Holmes, causing him to drop his gun. Holmes offered no further resistance, police said.

"I could have killed him," the sergeant told an AFRO reporter as he described the capture later.

Still not knowing the identity of his prisoner, Downes took him back to the prowl car and headed for detective headquarters. On the way, Holmes answered routine questions asked by the detectives.

Reveals Own Identity

Finally, Sergeant Downes said, Holmes unemotionally stated, "I am an escaped convict."

"Joseph Holmes?" the Sergeant asked?

"Yes," the tired fugitive answered.

Further questioning revealed that following his escape Holmes had gone to New Haven, Conn.; Philadelphia and Pittsburgh.

Police said that the escapee told them he had returned from Pittsburgh some two hours before his recapture.

Registered at YMCA

He had taken Room 315 at the YMCA, 1619 Druid Hill Ave., under the name of Frank Wilson and had listed an address in the 500 block Preston St., the same block where his parents, Lena and Francis Holmes, now reside.

The clerk on duty, Miss Reba Smith, told police that Holmes paid $2.29 for the room, $1 for the key and had engaged the room for one night's lodging.

Miss Smith said that Holmes did not act suspicious and that he carried a small bag to his room and then went right out.

When first told that the man who registered for the room under the name of Wilson, was actually the much-talked about "Tunnel Joe" Holmes, Miss Smith, according to police, became "real nervous."

Gets Into Trouble Soon

From the Y, police said, Holmes went to the downtown area where the holdup occurred.

Arraigned on 4 Counts

Holmes was serving his 10th year of a 20-year burglary sentence, at the time of his escape, two weeks ago.

His unusual jail break was called "fantastic" by Col. Edwin T. Swenson, the penitentiary warden.

Holmes was arraigned, Monday, in the Central police court, on charges including armed robbery, jail break, carrying a deadly weapon and atempting to kill a policeman.

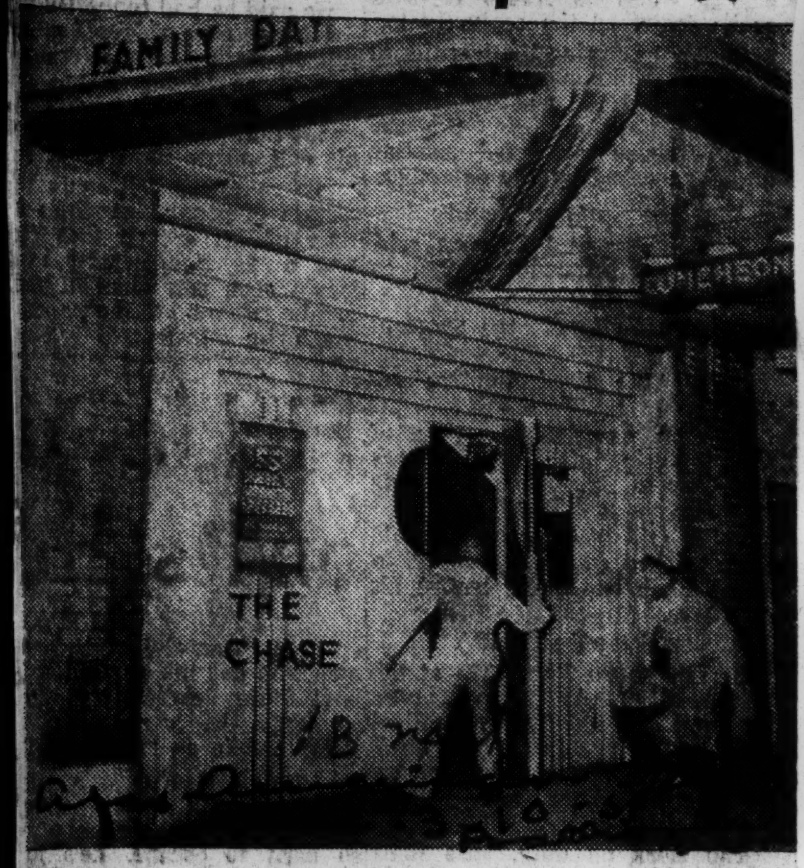
Run-in With Law Foretold

He spent all day Sunday, under questioning at detective headquarters, where he gave the story of how he dug his way to freedom

He said he had tunnelled nightly for 19 months, 10-feet under his cell, 26 feet under a waterless moat and at an 80-degree angle to a grassy plot outside of the institution, where he found freedom while his cell mates slept at 1:15 a.m.,

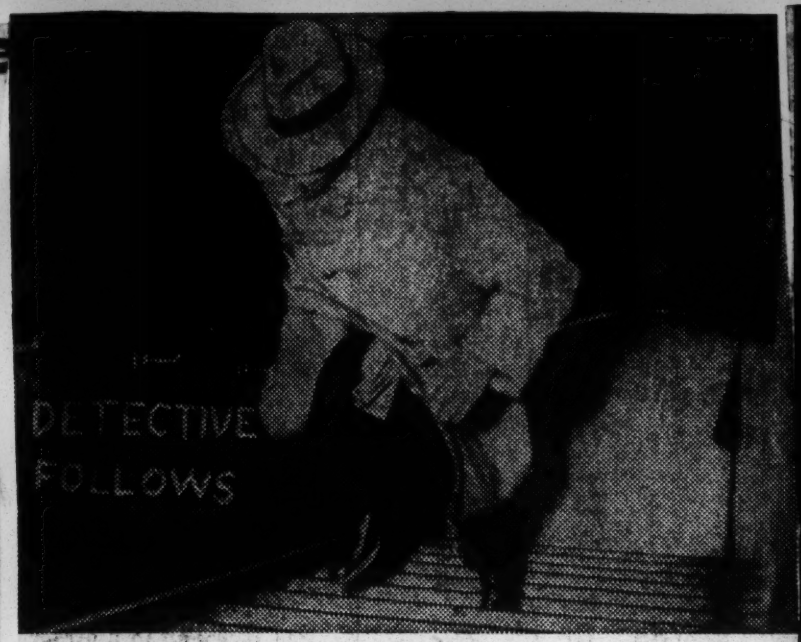
His recapture followed the prediction of penal authorities at the time of his escape that Holmes was a psychopath and as such would soon run afoul of the law and be returned to the prison from which he crawled.

Afro Reporters Re-enact the Chase and the Capture . . .



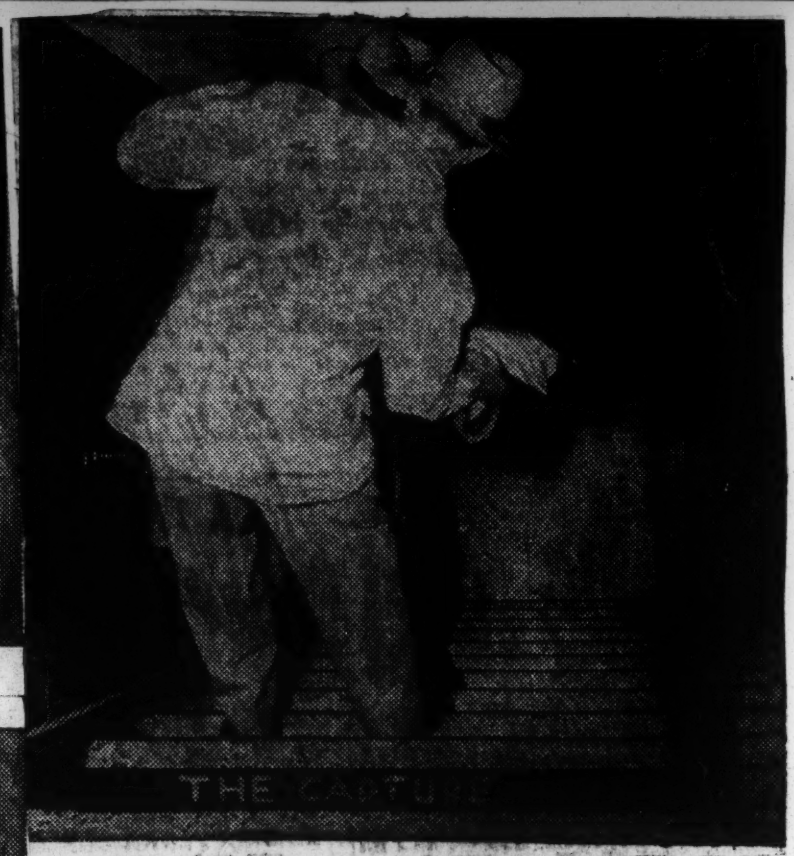
. . detective almost had Holmes

. convict dashes in alley door



. detective takes steps in pursuit

. at 8th step cop almost had him



. at 9th step jujitsu grip ends chase

Fickle Public Turns on Its 'Hero No. 1'

BALTIMORE

When "Tunnel Joe" Holmes, the man who dug his way out of Maryland State Penitentiary was still at large, he was ranked by a fickle public as "Hero No. 1"

Today, now that he's been recaptured with a mile from the penitentiary from which he worked so hard to escape, he's just "a dumb guy," "a simpleton," "nuts" and in more scientific language, a psychopath.

But before Holmes's recapture, police of 13 States and the FBI were looking for him, he had such wide public acclaim and popularity that he easily could have garnered $1000 for a single night's show on radio or television.

Subject of Political Dig

Jokes concerning the 39-year-old escape artist were the thing in barbershops, taverns and club meetings in all sections of the country. A prize joke was that he had been seen in Washington where he went to tell Truman how to "get out of the hole he's in!"

Another joke that gained short popularity was to the effect that Holmes was caught in the tower of a Baltimore church, after "the police had surrounded the church and closed in on him."

A third going the rounds was that police had surrounded the escapee in a Retreat St. slaughterhouse after "the pigs had squealed on him."

Barbs at Police Department

These jokes in reality were aimed at the Police Department and the jokers of them were "all for Holmes," hoping that for all the monopoly of power arrayed against him, his craftiness would enable him to retain his freedom.

Baltimore's Police Department continued to press its search for the fugitive, however, distributing circulars to other departments in near-by States and offering a $200 reward for Holmes's capture.

Despite this fact, officers who captured the jail breaker, Saturday night, were unaware they had taken such a rich prize until Holmes, himself, told them: "I'm an escaped convict."

Public Fickle Jade

The fickleness of the public can be no better judged than it's barometer of popularity and lack of it for "Tunnel Joe."

Sunday, he's "the dumbest prisoner ever to escape from a State penitentiary;" whereas on Friday, he was hailed as a "genius," and one of the smartest persons ever to have been entangled in the toils of the law.

"Tunnel Joe" caught the public fancy because he was a resourceful individual. His record while in prison attests the fact.

Despite the vigilance of eagle-eyed guards, Holmes did just about whatever he pleased while serving nine years of a 20-year term.

If his cell was cool on wintry evenings, he made himself an electric stove. When the guards took it away, he made another one. This happened three times.

When he felt he needed a "shiv" (knife)—as many convicts do—he fashioned himself one. If the guards took it away he made another . . . . and another.

Operated Makeshift Still

He found substitute ingredients and concocted a strong drink. He did not drink himself, according to his parents. So he was apparently in business to supply the needs of fellow prisoners.

When the guards found his makeshift "still" and destroyed his moonshine, Holmes made more.

In his cell, he had no scraps of paper or nub of a pencil to write with. Holmes had a fine letter-writing folio which he kept under his bunk.

He also used this folio to hide from the prying eyes of the guards something he didn't want them to see — YET.

Industry Commendable

Nightly over a period of many months he worked at his pet project. His excavation tools were acquired in the same ingenious fashion that he lived.

He had hinges on the door to his "project," as if it were a highly acceptable undertaking of extensive and generally appreciated duration.

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When he had completed his master work of tunneling through his cell floor deep beneath the prison foundations, under the wall, beneath a moat and outside the prison confines, he bided his time until ready.

Then, tired of prison life, he left.

"Tunnel Joe" Holmes was obviously regarded as a fearless person, with unbridled nerve, fantastic engineering skill, strong determination, admirable patience and fortitude.

And the public loved him for it.

When a New York bus driver turned his vehicle off the regular run and taxied off to Florida, because he was "tired of it all," the public applauded his act and urged that he not be punished.

It is the same quirk in human nature that made the same public cheer and applaud the fantastic feat performed by Holmes.

Admire Qualities We Lack

Psychiatrists declare that the reason the public cheered the errant bus driver is that he did just what they would like to do but lack the nerve.

In a like situation, many persons might have liked to do al the things "Tunnel Joe" Holmes did "right in the jail" but they lacked the nerve or ingenuity.

So when Joe crowned his efforts with an "unbelievable" escape from a modern jail, he became a hero.

The public isn't really so fickle. It simply loves a winner.

Turn Backs on Losers

Falling off the lofty cloud of "performing the impossible," Saturday, Joe attempted a holdup and was brought to heel by a pack of detectives.

Gone from about his forehead was the winner's laurel; and just as a once-great champion's public calls him "a has-been," when he begins to taste the bitter cup of defeat, so Joseph's enthusiastic rooters have turned their backs upon him.

One can hear erst-while Holmes enthusiasts now making remarks like this:

"If the fool coulda't stay out of jail for longer than two weeks, why did he have the gall to take two years to dig his way out in the first place?"

"They ought to put the penitentiary over him now, since he is so lacking in sense to come back where he had to be caught."

Critics Miss the Point

The point that all of Joe's fair-weather friends should not realize is simply this:

No one but a mentally abnormal man would have made the efforts he did to obtain his freedom; so he cannot be blamed for acting abnormally once he had gained it.

18 Charged With Selling Narcotics

Federal Agents Lived Among Dope Peddlers to Get Evidence

BALTIMORE

Representing the first of possibly 100 persons who will be haled into court this month in the city's all-out war on dope traffic, 18 suspects were charged over the week end with selling drugs.

The group includes two women, two white men and a Chinese-American. Most of the suspects were arrested as a result of a nine-month trap laid by two colored Federal narcotics agents who lived among dope peddlers since last August to obtain evidence.

Total of 36 Charges

All of the defendants were held for grand jury action under bail from $3,000 to $7,000 on a total of 36 charges. These charges incude selling heroin capsules, marijuana cigarettes and morphine.

To protect the identity of the agents and a third operator identified as a "contact man," Magistrate Thomas Fitzpatrick of Northwestern police station, cleared the courtroom of spectators during the preliminary hearing, Friday.

The mass arrests constituted the biggest haul since the entire police department was placed on an emergency basis by Maryland's Governor McKeldin, last week, to cope with the growing dope menace.

Policewoman Started It

The current drive was set off in February when Policewoman Violet Hill White, testifying in a narcotics case, revealed that peddlers were giving teen-agers free shots to make them build up the habit.

Meanwhile, Mayor Thomas D'Alesandro has formed a Youth Emergency ouncil as part of the fight-dope campaign; and this group will work through the homes, churches, schools and civic organizations to combat the spread of the narcotics traffic.

Allias "King ole"

Those arrested during the series of raids Thursday, Friday and Saturday identified themselves as follows:

William Womak, alias King Cole, 21, of the 500 block W. Lafayette Ave., $3,000 bail on charges of selling nine marijuana cigarettes on Oct. 25;

Armando D'Angelo, 21, of the 2600 block Frederick Ave., and Joseph Tiburgi, 21, of the 1300 block Luzerne Ave., both white, $3,000 bail each on charges of selling four marijuana cigarettes on Dec. 6 and 53 grains of marijuana on Dec. 6;

Charles Weaver, 24, of the 500 block W. Mosher St., $3,000 bail, selling six marijuana cigarettes on Nov. 1; Ben Dyson, 25, of the 1100 block N. Carey St., $5,000 bail, selling a total of seven heroin capsules on March 6;

Woman, 22, Charged

George Washington, 21, of the 600 block W. Mulberry St., $5,000 bail, selling two capsules of heroin on Aug. 13; Miss Ada James, 22, of the 1500 block Mulliken St., $5,000 bail, selling five capsules of heroin last Aug. 15;

John Berry, 24, of the 700 block W. Saratoga St., $5,000 bail, selling two capsules of heroin last Aug. 20; Earl Alsup, 25, of the 500 block W. West St., $4,500 bail, selling a total of 20 marijuana cigarettes from Sept. 22 to Oct. 6;

Morphine Sale Listed

Rudolph Fauntleroy, 24, of the 1400 block Laurens St., $3,000 bail, selling three and a half grains of morphine on Feb. 19; Norman Young, 24, of the 500 block N. Arlington Ave., $5,000 bail, selling 16½ grams of morphine on Feb. 28;

David Jones, 23, of the 500 block W. Biddle St., $5,000 bail, selling five heroin capsules anr three marijuana cigarettes from Sept. 15 to Sept. 20; Charles Alsup, 31, of the 3000 block Cherry Lane, $3,000 bail, selling four capsules of heroin on Oct. 27;

George Dorsey, 27, of the 1200 block E. Chase St., $3,000 bail, selling a total of nine marijuana cigarettes on Nov. 5; Eugene Wong, 23, of the 2500 block Madison Ave., $3,000 bail, selling eight marijuana cigarettes on Jan. 4;

$7,000 Bail for One

Monroe Maynard, 30, of the 900 block Fulton Ave., a total of $7,000 bail, selling a total of 57 marijuana cigarettes, from Oct. 6 to Feb. 13 and 276 grains of marijuana on Feb. 17;

Ralph Sheard, 28, of the 1400 block Pennsylvania Ave., $3,000 bail, selling seven marijuana cigarettes on Oct. 26; and Mrs. Ida May Adams, clerk, of the 2300 block Pennsylvania Ave., $3,000 bail, selling a total of 36 marijuana cigarettes from Nov. 2 to Dec. 2.

'Tunnel Joe,' Hero No. 1, Eludes 13-State Search

Afro-American. Dist. 13-3-51

BALTIMORE

"Tunnel Joe" Holmes is Baltimore's Public Hero No. 1.

When John Dillinger, who likewise defied the law, was shot down coming out of a theatre, the public breathed a sigh of relief that a public enemy had been removed.

When Jack Hart escaped from Maryland State Prison in 1924 and 1929, the public waited with bated breath until he was recaptured.

When cigar - smoking Bonnie Parker shot her way across the plains of Texas, the public feared for its collective lives until she died by the guns she lived by.

Rooting for "Ground Hog"

But the public is fickle.

"Tunnel Joe" Holmes, variously known as the "Dinner-time Burglar" and "The Mole," is no public enemy in the eyes of Baltimoreans. He is, despite his long record of lawlessness, a public hero.

Never in the history of the Monumental City has a criminal who so openly defied the law won such wide acclaim and sympathy. There is no hue and cry that "Tunnel Joe" be caught.

On the contrary, persons who speak about the daring feat in which the 39-year-old convict burrowed his way to freedom express a concerted "hope" that he remains free.

Resoursefulness Acclaimed

The mere fact that he escaped is hardly the reason.

"Tunnel Joe" has caught the public fancy because he is a resourceful individual. His record while in prison attests the fact.

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The public isn't really so fickle. It simply loves a winner.

Prison officials are preparing to "pour cement" to fill his escape route while police have voiced no indication of an early capture.

'Tunnel Joe' Gets Rating

Joseph Holmes seemed assured a prominent place among famous criminals this week as amateur sleuths and detective story fans voted him accolades.

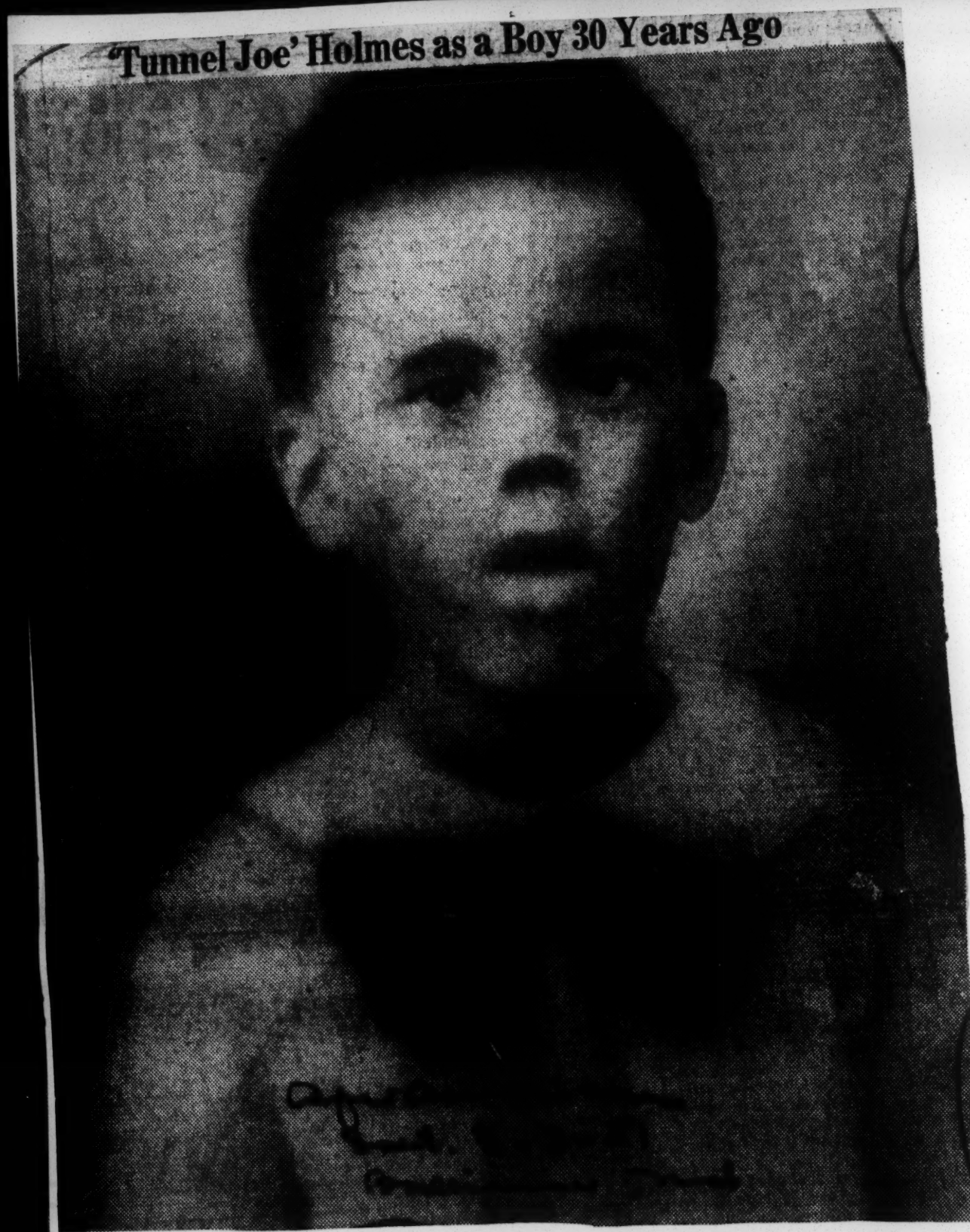
"Tunnel Joe's" feat is now ranked alongside the unsolved Brink's robbery; and his name is mentioned with that of "Willie, the Actor," who is No. 1 on the FBI list of "wanted" men.

Holmes Still 'Free'

Despite a 13-State alarm in which FBI agents have joined forces with other law enforcement officers, Joseph Holmes remained a free man on Friday —six days after his fantastic escape.

This is how Joseph E. (Tunnel Joe) Holmes, who made history in his spectacular prison break, looke when he was seven years old. A huge photograph set in an oval frame, it adorns the wall of his parents' home at 536 W. Preston St. and they cherish and adore it as a remembrance of the childhood days of a "good boy." His folks, Mr. and Mrs. Francis Holmes (below), have issued an appeal for him to give himself up.

'Tunnel Joe' Holmes as a Boy 30 Years Ago



13th Day of Freedom Unlucky

Convict Who Tunneled Way From Jail Caught as Guns Blaze

BALTIMORE, March 3 (Special).—Joseph Holmes, who spent two years tunneling his way out of the Maryland Penitentiary February 18, was recaptured tonight in a gun battle with police, after 13 days of freedom.

Police said the 39-year-old convict who had completed half of a 20-year burglary sentence when he escaped through a 70-foot tunnel, was captured after he robbed a woman of $5 on a Baltimore street.

When police responded to a robbery call on the edge of downtown Baltimore, Holmes fled down the street in a hail of bullets. At least 10 shots were fired before he was disarmed and captured by a detective in a bowling alley.

Police were not certain at first whether Holmes fired the pistol he was carrying. No one was hit, however.

Holmes was taken immediately to headquarters for questioning. Police said he refused to discuss his spectacular escape from the penitentiary, in which he bored a tunnel beneath his cell and under the prison wall to freedom.

"You got me," he was quoted as saying, "and the story of my escape was in the papers."

Warden Edwin T. Swinson called Holmes' flight "the most fantastic escape I've ever heard of." He estimated it took two years for the man to burrow his way to freedom with his hands and bits of scrap iron.

The criminal was known as the "dinner-time burglar" when he was sentenced for entering well-to-do homes during the early evening and departing with jewelry and cash.

After his escape, he became known in the press as "Digger"

subdued by a detective sergeant after a four-block chase in which several shots were fired.

Sergt. James A. Downes overhauled the fugitive on a stairway of a four-story bowling centre, grappled with him and disarmed him of a pistol.

Taking a good look at his captive, the sergeant said, "Say! You're Holmes, aren't you?"

"Yes," said the prisoner.

He was then hustled off to police headquarters, where top officials gathered to hear him describe how he made his way to freedom just two weeks ago through a 70-foot tunnel that probably took two years to dig. Holmes had completed half of a 20-year sentence for burglary.

Police Recapture Man Who Tunneled Way Out of Prison

By the Associated Press.

BALTIMORE, Mar. 3.—Police investigating a hoodlum-type street robbery tonight recaptured Joseph Holmes, sensational escape artist who burrowed his way out of the Maryland Penitentiary 13 days ago.

The 35-year-old Negro

Four Women Among 21 Caught in Dope Dragnet

BALTIMORE

Caught in traps set by the police narcotics squad, 21 persons including four women ambled sadly into Northwestern police station, last week, flanked by plainclothes men and Federal narcotics agent.

They were the first of possibly a hundred perons who will be captured this month in the city's all-out war on dope.

Standing before the brass rail, they gave their names, addresses and ages to the desk sergeant quietly, as if to hide the fact that only one of them was over 25 years of age.

Then they were searched and marched off to cells in the rear of the station house to be questioned later about their activities.

Biggest Haul of Late

Their arrests were the biggest haul since the entire police department was placed on an emergency basis by Governor McKeldin last Wednesday, to cope with the growing dope menace.

There were 13 men and four women, all between 20 and 25 years of age. Four were nabbed in a predawn raid on a house in the 2300 block of Pennsylvania Avenue.

The seventeen suspects, nabbed in various sections of the city, were booked for "investigation suspected of narcotic violations."

Officers participating in the raids indicated that the suspects are dope peddlers as well as addicts. They implied that more arrests are in the offing.

Those held had not been charged late Thursday. It is believed that formal charges will be filed today (Friday) after the investigation and arrests have been completed.

Move in Secrecy

Police maintained unusual secrecy about the arrests which led observers to believe that this is the "big push."

The current drive against dope traffic in Baltimore was touched off late in February when Policewoman Violet Hill Whyte testified in criminal court that peddlers were giving samples of dope to teen-agers in Northwest Baltimore.

The same day, a Federal narcotics agent told the court that dope use among teen-agers was "getting out of hand" here.

As a result, a police narcotics squad was formed under the direction of Inspector Joseph H. Itzel.

Even as police cracked down on dope peddlers, a citizens committee met with State's Attorney Anselm Sodaro to discuss ways of providing facilities for cure of dope addiction.

Cure Conferences

The group, headed by Mrs. Pauline Fauntleroy, also conferred with Dr. Huntington Williams, health commissioner. Dr. Williams explained that plans are already being made in Washington for a cure center here.

The citizens had suggested that a wing of City Hospitals be used for the treatment.

Mr. Sodaro said addicts who voluntarily submit for treatment would not be prosecuted.

The citizens group included the Rev. Hiram Smith, and Mrs. Bernice Moore.

Meanwhile, police continued to run down the hundreds of tips they have received on possible dope peddlers since the current drive began.

Dope Squad Seizes Suspect

A young dope suspect dodges to avoid the camera as he is led up steps of Northwestern police station by members of the narcotics squad. This picture was taken in Baltimore yesterday as police rounded up known dope addicts and peddlers in a series of raids. Facing camera is Sgt. Joseph Carroll, narcotics squad head. Patrolman Bob Simonson is behind. Patrolman Casmir Moneweski, also of the dope squad, preceeds the group into the station.—AFRO Photo by I. Henry Phillips.

Narcotics Bureau Chief Pays Tribute to Agents

BALTIMORE

All of the Federal narcotics agents who did the undercover work resulting in the current arrests are colored. They also figured in a tie-in raid in Washington on Mar. 16 when 70 persons were taken.

Of them, Boyd M. Martin, the bureau district supervisor, said today (Friday), "These men are all top-flight agents. They are men of character and intelligence, fearless but fair, and honest in every respect and I cannot praise them too highly."

He also praised the State Legislature, the Governor, Mayor, police department and citizens groups for taking immediate steps to deal with the narcotics problem.

High School Addicts Finger Dope Peddlers

DETROIT, Mich. — Federal and State narcotics agents from New York, Cleveland and Chicago combined forces with Detroit T-men Friday night and swept the Motor City streets virtually clean of dope peddlers who had built up a huge teenage and high school trade for their narcotics activity.

Agents confiscated more than $100,000 in heroin, cocaine, Marijuana and hypodermic needles. Also confiscated was a sizeable quantity of morphine tablets, codeine capsules and an array of pistols, knives and other narcotics paraphernalia.

In custody are more than 35 men and women who are charged with having engaged in selling and using narcotics. All except one of those arrested are Negroes. Agents originally seized 50 persons described as sellers or addicts in wholesale raids in Detroit Friday and Saturday nights.

The poison fangs of the dope ring touched Western, Southwestern, Cass Technical and Berkley High Schools. Students who testified that they bought dope said they new the peddlers through such names as Shortbones, Tomcat, Trouble, Mack, and Frankie.

The raid came after a two month investigation of narcotics activity in Detroit. A Federal grand jury has already issued indictments against many of those arrested. More than 70 witnesses ranging in ages from 15 to 22 had given grand jury what was termed "shocking testimony" several week ago.

The raids came on the heels of a full scale expose of narcotics influence among Detroit teenagers by the Michigan Chronicle last week.

United States District Attorney Kand said many of the peddlers arrested had lured their victims into crimes such as theft and prostitution to help them maintain narcotics habits. The teen-agers testified to the Grand jury that they had ben induced to try various forms of dope by several of the arrested men at parties and jam sessoins they had attended.

Praise Two Patrolmen

Detroit officials were high in their praise of two Negro patrolmen, William Frank and Clarence Wilson, who are credited with apprehending more than 90 percent of the dope peddlers and addicts.

Joseph Bell, head of the Federal Narcotics Bureau in Detroit said peddlers lurked around schools, markets, night club jam sessions and anywhere youths congregated. The arrests were carried out, however, in more than 200 private homes, night spots, taverns and on the street.

Named as ring leaders in the wholesale arrest were Percy Grabenheaimer, 32; Oscar Spruell, 38; Taylor W. Wiser, 32; and Emmett E. Henry, 37, all of Detroit. Women arrested were Dolores Ann Howard, 20, Vertis Lucille Silver, 36, and Vernoca Mae Brown, 27, also of Detroit.

Miss Brown is said to have built a large dope trade among young addicts on Detroit's Northend and Westside. Henry was said to be one of the biggest dope peddlers in the Detroit area.

Arrest 16 In $100,000 Fertilizer Theft Ring At Mound Bayou Miss.

MOUND BAYOU, Miss — With seven persons already under indictment, two grand juries are expected to take action shortly on charges against 16 more persons arrested in connection with the alleged theft of $100,000 worth of fertilizer and cotton poison.

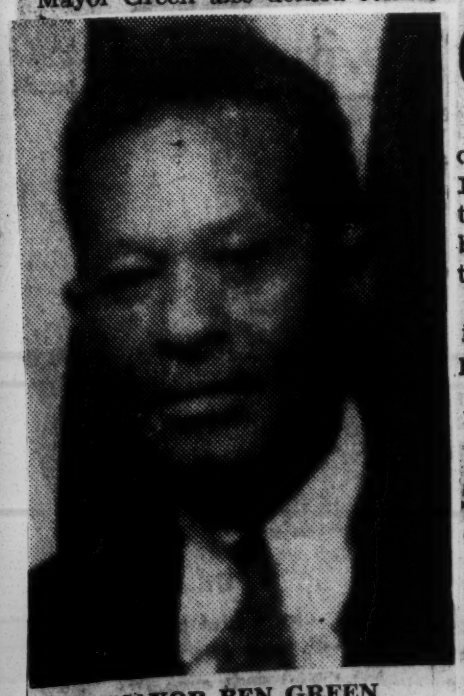
With the arrest of the 23 persons recently, police said that a three-county ring of thieves had been broken up. The ring, according to investigators, operated in Bolivar, Sunflower and LeFlore counties, heart of the longstaple cotton center of the world.

More than 1,000 tons of fertilizer valued at $75,000 and 100 tons of cotton poison worth $25,000 are involved in the thefts which police charge have occurred over a period of several months.

A sensation was caused in this city when investigators reported they had recovered a large quantity of the loot in the Farmers Cotton Gin which is operated by Mayor Benjamin A. Green.

There was no indication, however, that Green was involved in the ring.

Mayor Green also denied connection with the thefts. He declared Saturday that "all I know is that two men, Isham Summitt and R. W. Jones, brought the stuff to the gin to be stored. I had no knowledge of its source or how the men had acquired it.



MAYOR BEN GREEN DENIES CONNECTION

"As a matter of fact," he continued, "it has not been legally established that the fertilizer found here was stolen or is part of the loot police are seeking."

Practically all of the persons arrested in connection with the thefts are farm hands. Police are continuing the investigation on the theory that someone with capital and business experience is behind the operation.

A Sunflower county grand jury indicted the following persons from Drew, Miss., for grand larceny:

Walter Johnson, Sammie Smith, Herbert Johnson, James Parker, Robert Redmond, Randall Taylor, A. Z. Creach and John Williby.

The other 16 face indictment when the grand juries of Bolivar and LeFlore counties meet.

Ex-Tavern Operator Is Indicted in Attack On Negro Barmaid

COLUMBIA — (AP) — A Marion county bootlegger was indicted here Friday on charges of attempting to kill his former Negro barmaid by shooting her three times in the stomach.

The barmaid, Hattie Lee Barnes, is recovering in a Tylertown hospital.

The Marion county grand jury returned an indictment of assault and battery with intent to kill and murder against Rob Lee in her assault. Lee is listed with the State Tax Collector as a retail liquor dealer.

Indicted with Lee was Walter Watson, a Negro. The woman told Walthall county Sheriff Marshall Bullock Lee shot her three times, Watson twice.

The Negro woman herself is free under $1,000 bond in Pike county on a murder charge in the death of Lamar Craft at Lee's Pike county tavern last April. The Tavern later was closed by a court order.

Immediately after Craft's death Pike county officials said the barmaid admitted shooting him when he attempted to enter the place after closing time. Later she was reported to have changed her story but authorities have refused to say what the changes are.

No information was available on the jury's action in charges against Craft's two brothers, Bennon and Milo. They were arrested after Lee was ambushed near his home on May 10.

So far the grand jury has not announced any bootlegging indictments despite Judge Sebe Dale's charge on their opening day of deliberations.

Dale told the jurors "we have winked at the liquor trade until it has grown to be a hog" and urged them to "go after the citizens who ride around in big cars, flaunt the law and get rich at it."

The judge described Marion county as the "sore spot of south Mississippi" and said it is the fault of both citizens and officials.

A Columbia grocery clerk, Curtis Sanders, was indicted for manslaughter in the death of Mrs. Paul Merritt last December. Sanders was driving a car that crashed into the back end of the Meritt vehicle.

Three one year sentences were imposed by the judge during the day after all three defendants pleaded guilty to taking cattle from Marion County ranches and selling them in New Orleans. The three were Earl Cox, Dolphus Lee and M. L. Whitehead.

NEGRO TAKES OFFICERS OVER MURDER SCENE

Frank Moses, 28-year-old Negro who early Wednesday confessed to the brutal bludgeon slaying of Mrs. Annie Dennis Powell, 71-year-old wealthy widow between Edwards and Raymond, took Hinds county officers to the scene Wednesday afternoon.

Officers were searching for the instrument which was used, although they already have brought in three pieces of wood, any of which it is believed might be linked to the slaying.

Meanwhile, Justice of the Peace Thornton Hale said his inquest is being closed with the verdict of 'murder by a blow inflicted on the head by a blunt instrument."

He said medical reports received late Wednesday indicated that Mrs. Powell had not been ravished.

Sheriff Albert Jones said the Negro claimed robbery as the motive, but that he admitted waiting behind a smoke house and watching Mrs. Powell, who was alone in the house at the time, take a bath.

Her body was nude when found just outside the back door of her home in western Hinds county after Louis Williams, another Negro tenant, heard her screams and ran to the house with a shotgun.

The Negro was apparently frightened away before he could accomplish his motive, officers said.

Funeral services for Mrs. Powell were to be held at 4 p. m. Thursday from the home, Baldwin Funeral Home announced.

NEGRO WOMAN SHOT, ACCUSES EMPLOYER

Victim Free On Bond In Mississippi Killing

COLUMBIA, Miss., June 15.—(AP)—A Negro woman under murder charges in an April tavern killing was shot five times near here Thursday night and her employer Friday was charged with the shooting.

Deputy Sheriff Jim Duckworth said a warrant charging assault and battery with intent to kill and murder was issued against Rob Lee of Kokomo. He has not been arrested.

Lee is listed with the state tax collector as a retail liquor dealer.

Already in jail on a similar charge is Walter Watson, a Negro, the deputy reported.

The woman, Hattie Lee Barnes, was reported in a critical condition at Tylertown Hospital where she was taken Thursday night. She had been shot three times in the stomach, once each in the chest and head.

At McComb, Dist. Atty. L. S. McClaren said the woman told Walthall County Sheriff Marshall Bullock that Lee shot her three times, Watson twice.

The shooting victim is free under $1000 bond on a charge of killing Lamar Craft of Tylertown at Lee's tavern near the Pike-Lincoln County line. She told investigating officers then that she fired when Craft attempted to enter the place by a back door after closing time.

Subsequently the tavern was padlocked on order of acting Chancellor John Engle of Natchez.

On May 10 Lee himself was ambushed as he left his home near Kokomo. He reported to the Marion County sheriff's office that two men fired on him, riddling his car and driving a splinter of glass into one eye.

Bennon and Milo Craft of Tylertown, brothers of the youth killed at Lee's tavern, later were charged with the attack.

They waived a preliminary hearing and are free under bond until the case can be considered by the Marion County Grand Jury.

Mound Bayou Is Hit By Scandal

By STAFF CORRESPONDENT

MOUND BAYOU, Miss. — With seven persons already under indictment, two grand juries are expected to take action shortly on charges against 16 more persons arrested in connection with the alleged theft of $100,000 worth of fertilizer and cotton poison.

With the arrest of the 23 persons recently, police said that a three-county ring of thieves had been broken up. The ring, according to investigators, operated in Bolivar, Sunflower and LeFlore counties, heart of the longstaple cotton center of the world.

More than 1,000 tons of fertilizer valued at $75,000 and 100 tons of cotton poison worth $25,000 are involved in the thefts which police charge have occurred over a period of several months.

A sensation was caused in this city when investigators reported they had recovered a large quantity of the loot in the Farmers Cotton Gin which is operated by Mayor Benjamin A. Green.

There was no indication, however, that Green was involved in the ring.

Mayor Green also denied connection with the thefts. He declared Saturday that " all I know is that two men, Isham Summitt and R. W. Jones, brought the stuff to the gin to be stored. I had no knowledge of its source or how the men had acquired it.

"As a matter of fact," he continued, "it has not been legally established that the fertilizer found here was stolen or is part of the loot police are seeking."

Practically all of the persons arrested in connection with the thefts are farm hands. Police are continuing the investigation on the theory that someone with capital and business experience is behind the operation.

A Sunflower county grand jury indicted the following persons from Drew, Miss., for grand larceny:

Walter Johnson, Sammie Smith, Herbert Johnson, James Parker, Robert Redmond, Randall Taylor, A. Z. Creach and John Williby.

The other 16 face indictment when the grand juries of Bolivar and LeFlore counties meet.

Highway Robbery Victims Identify Negro as Bandit

GREENVILLE — (Special) — A 19-year-old local Negro has been identified by victims as one of the two men who allegedly waylaid a white family between Greenville and Leland Wednesday and robbed the driver of $143, but search was still continuing for the second Negro, Police Chief C. H. Hollingsworth said Thursday morning.

Willie Lee Brown was arrested Wednesday morning [illegible] of armed robbery of E. J. Lindsay and family of Tuscaloosa, Ala., who were on their way to visit relatives near Greenville.

Chief Hollingsworth said the pair stopped the truck in which Lindsay was riding with his wife and two small children, pulled .38 calibre revolver and took $143 from Lindsay.

Police said the Negroes were riding in a stolen 1947 Chevrolet which they are charged from a local dealer.

Chief Hollingsworth said the search for Brown's campanion is continuing. Greenville police arrested Brown shortly after robbery. They stopped the automobile in which they were riding and seized Brown, but the other Negro escaped.

Hollingsworth said Brown has confessed to the crime. The pair allegedly drove their car across the highway to halt the truck.

Negro Wounded Here Saturday Is Said Recovering

Willie Thompson, Negro dairy worker on a farm near Byram, was reported as recuperating "satisfactorily" after he was shot and wounded while riding along Sidwell road Saturday afternoon.

John Jaap, white sign painter who resides on Sidwell road, was arrested on charges of shooting with intent and was released on $1,000 bond, Hinds sheriff's deputies said.

Jaap admitted that he fired on the car occupied by Thompson and three other Negroes, officers said.

The Negro victim was hit in the left side by a .45 calibre pistol bullet which entered the back of the automobile in which he was riding, pierced the back seat and struck him, missing his heart by about two inches. The Negro was reported Monday to be still under treatment for the wound.

The Negroes said they were fired on after they passed a car, now identified as that in which Jaap was traveling, which had made a turn off the road, officers said.

Jaap was quoted by officers as saying that the Negroes had "given some trouble" and he fired when he thought that they had tried to crowd him off the road.

GUILTY VERDICT FOUND IN NEGRO'S KIDNAPING

Mississippi White Man Faces Sentence On Charge Of Abducting Woman

Special to The Commercial Appeal

VICKSBURG, Miss., July 19.—A 27-year-old white man was found guilty here Thursday of kidnaping a 31-year-old Negro woman last New Year's Eve.

A jury returned a "guilty as charged" verdict against Lonnie Leroy Bevell, a Batesville farmer, at 6:40 p.m. Thursday after only 15 minutes of deliberations.

Maximum of 10 Years

The conviction carries a maximum sentence of 10 years in prison, but the exact length is fixed by the judge. Sentence may be pronounced by Judge [illegible] Anderson of Port Gibson Friday morning.

Bevell was acquitted a week ago of rape in connection with the same offense. His trial on the kidnaping charge began Wednesday.

Another charge—assault—is now expected to be dropped.

The kidnaping victim, the state charged, was Cornelalius Slater, a 31-year-old Negro farm woman of Warren County.

Says She Cursed Him

A co-defendant to the same charges, John Boyd Stuard, 31, is yet to face trial.

Bevell's defense was that the woman cursed him, while he was at Eagle Lake last New Year's Eve, and that he placed her under arrest, put her in a truck, and started for the sheriff's office.

Under cross-examination he said the woman protested the entire time she was in the truck. He maintained that she jumped from the vehicle when it slowed down to cross a cattle crap on the levee.

The woman testified Wednesday that she was taken to a cattle pasture, beaten, assaulted and left for dead. Thursday morning, a laboratory specialist of the Federal Bureau of Investigation, Henry J. Hieberger of Washington, said hair on a pistol which Bevell had during the incident was identical to hair from the head of the woman. Blood on the weapon was the same type as her blood, he said.

Others who testified for the state included Dr. I. C. Knox, who said he treated her for scalp lacerations, cuts on the face and bruises on the bosom and abdomen; Sheriff J. H. Henderson, Deputies Sam Boozer and Vernon Luckett.

FBI Lab Expert Says Blood, Hair That of Negress

VICKSBURG — (AP) — Blood and human hair found on Lonnie Bevell's corresponded to that of the Negro woman he is accused of kidnapping, an FBI technician testified here Thursday.

The laboratory expert, Henry J. Heiberger, was the state's main witness of the day as it attempted to prove the young white man kidnaped Cornelalius Slater, 31 year old farm woman, from the yard of an Eagle Lake store on New Year's Eve.

Later Dr. I. C. Knox of Lutheran hospital here told the jury that the woman was suffering from shock, cuts on the head and face and severe bruises on the bosom and abdomen when she was brought in for treatment on New Year's Day.

Bevell last week was found innocent of rape charges in the same case. In that trial he testified she called him a "white s. o. b." and that he struck her with his flashlight, then ordered her into his truck to take her to a sheriff's office.

In testimony Wednesday the Slater woman denied she cursed Bevell.

Bertha Thomas, sister of the complainant, said Bevell struck her sister with a pistol and forced her into the truck.

Probe Death Of Cleric In Stalled Car

LAUREL, Miss.—Sheriff's deputies this week are seeking new clues in the mysterious slaying of the Rev. Louis D. Dean, whose body was found last week in his car on a lonely gravel road near Laurel.

The dead man's right hand still gripped the steering wheel when a school bus driver discovered the body. The auto lights were still burning and the motor was running.

Jones County Sheriff Steve Brogan said Rev. Dean's car was in the middle of the road. Footprints led directly from the right side of the car. The sheriff said he believes the minister was slain by someone who had shared the front seat of the car with him.

The victim had worked for 22 years at the Masonite plant here, which is now strike bound.

In Hinds County, Miss., last week, Jack Robinson, 40, of Bolton, was found slumped in the road beside his pick-up truck with a bullet wound in his chest.

Robinson died after treatment at St. Dominic's Hospital. Police are holding a woman in connection with the shooting.

Laurel Negro Pastor Is Found Slain

LAUREL — (Special) — "Shot by an unknown hand" was the verdict of a coroner's jury after the body of Lewis D. Dean, 58, colored Baptist minister and Masonite employee, was found in his car near Laurel Wednesday.

Sheriff Steve Brogan said two .38 calibre pistol bullets had been fired into Dean's right cheek while he sat at the steering wheel. Powder burns on his face indicated they were fired from close range by someone in the car with him at the time. The sheriff said tracks were found leading away from the vehicle, which was found seven miles west of Laurel on a rural road one mile off Highway 20.

The murder was discovered by Timothy O'Flynn, Calhoun school bus driver. The motor of Dean's car was still running, the lights were on, and one of Dean's hands remained on the steering wheel.

Officers discounted robbery as a motive when they found $15 in currency on Dean's body. The investigation is still underway.

$100,000 Farm Theft Ring Smashed in Mound Bayou, Miss

MOUND BAYOU, Miss.—The arrest and indictment of twenty-three persons broke a tri-county fertilizer and cotton poison theft ring here the past week.

More than 1,000 tons of fertilizer valued at $75,000, and 100 tons of cotton poison, valued at $25,000, was uncovered by special investigating agents in Bolivar, Sunflower and Leflore counties, in the heart of the long staple cotton center of the world.

Not since 1937, when Eugene Booze, husband of Mrs. Mary E. Booze, National Republican committeewoman of Mississippi, was ambushed and murdered in Mound Bayou with no one ever going to trial, has there been so much excitement on an issue in this rich Delta farmland area.

Much of the recovered loot was discovered in the Farmers Cotton Gin in Mound Bayou, owned and operated by Benjamin A. Green, colored leader. Mound Bayou is the first all-Negro city in the United States, dating back to the Civil War days when Jefferson Davis, president of the Confederate States, gave the land to his body-slave, Isaiah Montgomery.

All members of the gang have been apprehended, but local citizens believe that many besides the twenty-three farm hands will be involved before the case is finished. It is rumored that the financing of such a smooth and extensive theft ring required the brains and capital outlay which would come from the wealthy plantation owners or city and county officials.

It is felt that much of the intrigue in the operation of this wealthy cotton raising Delta area will come to light as the result of exposures to be made in this case.

TWO HELD IN SLAYINGS

Sign Painter Is Latest Suspect In Death Of Woman, Boy

SHREVEPORT, La., June 3.—(AP)—A Georgia sign painter was arrested by state police near Shreveport Sunday and held for questioning in the bludgeon slayings of an expectant mother and her son, found on the Mississippi Gulf beach a week ago.

State Trooper Tom Burbank arrested a man booked as Davis F. Harp, 53, who said he was an itinerent sign painter from Atlanta.

Deputy Sheriff W. J. Rippy at Gulfport, Miss., said Harp was known to have been in Gulfport on May 26, 27 and 28.

The slain woman, Mrs. Helen Armetta Stewart of Knoxville, and her 6-year-old son, Howard, were found on the beach near Gulfport May 27.

Rippy said another suspect had been arrested. He did not identify the second suspect but said the man could not account for his whereabouts during the time of the brutal slayings.

Harp was held in the Pontiac City Jail. Officers did not question him immediately.

RECLUSE IS HELD IN SLAYING CASE

Eccentric Taken to Gulfport for Questioning

An aged eccentric recluse who was arrested in Marrero as a suspect in the double slaying of a young divorcee and her 6-year-old son on the Gulf coast was turned over to Gulfport authorities for questioning Thursday.

And officers prepared to search the Picayune, Miss., home of the man, 64-year-old John Alexander Scott, for clues to the mystery killings.

The bodies of the woman, identified as Mrs. Helen Armetta Stewart, 29, of Knoxville, Tenn., and her son, Howard, were found on the beach near Henderson Point early Sunday. It appeared they had been beaten to death.

Scott, a tall sturdy-looking man with a flowing white beard which reaches his chest, said he knew nothing of the killings. When asked by district Judge L. Julian Samuel in the Gretna courthouse if he wanted to go with Mississippi officers to Gulfport for questioning, he said:

"I guess I had better go, but I don't know what you have me for and I don't know what this is all about."

He agreed to go to Gulfport with chief criminal deputy W. J. Rippy and deputy W. A. Turner of the Harrison county, Miss., sheriff's department, and Marshall Lumpkin and G. L. Hampton, of the Mississippj state police. They left New Orleans about 4:30 p. m. Thursday.

Arrested in Marrero

Chief criminal deputy Sheriff John G. Faulkner of Jefferson parish said in Gretna that the bearded man was arrested in Marrero about 2:30 p. m. Wednesday by deputy Sheriff Junius LeBouef and Gretna city policeman J. D. Marine.

Scott said he believed that "someone framed me up in an effort to get my belongings. I've got several thousand dollars worth in my Picayune home."

He is no stranger to New Orleans law enforcement agents. About two or three years ago he was brought up before municipal court Judge Harold J. Moore on a vagrancy charge.

Judge Moore recalled Thursday that the aged man was freed because he convinced the judge that he had a sizable bank account and was not a vagrant. "I believe," Judge Moore added, "that he had a number of travelers checks."

Faulkner said that when Scott was arrested Wednesday the officers found in his dilapidated truck a child's sleeping garment and a burlap sack bearing reddish-brown stains "that might be blood."

Scott said he left Picayune on Highway 11 on a southwestward trek. He said he arrived in Marrero shortly before he was arrested.

Faulkner said that if he stayed on US and Mississippi Highway 11 until he got to the Highway 90 intersection at Pearlington, turning west there, the route would have turned the old man away from Henderson Point when he was about 20 miles from where the bodies were found.

Search for Clothing

Faulkner said that Scott had told him he had a dress and a pair of shoes, which he had found, in a box at his residence. Harrison county investigators said they were looking for a dress and a pair of shoes missing from Mrs. Stewart's effects. It was for these articles which they prepared to search Scott's residence to see if they had belonged to the slain woman.

Judge Moore recalled that when he had the old man up before him Scott had told him he sold "novelties and safety pins."

Scott said he was a widower with two grown children. He said that he was born in Virginia and for the past 45 years had lived "in these parts."

Scott, shabbily dressed in ragged dungarees and a plaid flannel shirt, was apparently unshaken by his arrest. He talked freely and calmly about his activities, stating that he made a livelihood at landscaping and "selling things."

WHITE FARMER GIVEN SENTENCE OF 10 YEARS

Maximum Penalty Is Set For Kidnaping Negro Woman

Special to The Commercial Appeal

VICKSBURG, Miss., July 27.—A 27-year-old white farmer from Batesville was given the state's maximum penalty here Friday for kidnaping a Warren County Negro woman.

Judge R. B. Anderson imposed a 10-year penitentiary sentence on Lonnie Leroy Bevell whose attorneys immediately filed an appeal to the state Supreme Court. Later Bevell was freed on $10,000 bond.

Bevell was convicted a week ago by an all white-male jury. Earlier in the same term of court, another jury had acquitted him of charges that he raped the woman.

Bevell's companion, John Boyd Stuard of Crowder, Miss., were indicted by a Warren County Grand Jury on charges of rape, kidnaping and assault with intent to kill. After the conviction of Bevell, Stuard pled guilty to the kidnaping charge. His request for a delayed sentence due to family hardship was granted, and he is scheduled to be sentenced in December.

In both trials, their victim, 31-year-old Cornelalius Slater told the court that she was taken from a New Year's Eve gathering near Eagle Lake, raped, beaten and left for dead in a pasture.

In the first trial the state demanded the death penalty, first time in the memory of Mississippi attorneys that the death of a white man has been asked in a charge of raping a Negro woman.

Bevell maintained that he struck the woman when she cursed him. He said he put her into his truck to take her to the sheriff at Mayersville.

Indecency Of Confession Frameup Shocks Governor

Governor Fielding L. Wright Wednesday said the State would see that the matter of the alleged whipping of four Sunflower county Negroes in a fictitious murder case "is thoroughly investigated and the guilty punished."

Sunflower County Sheriff George Marshall said one of his deputies and a private investigator from Cleveland applied a "small amount of heat" to the Negroes to obtain a confession. The murder "victim" turned up "very much alive."

Governor Wright issued the following prepared statement:

"I have no facts other than the news story. My information is that the local authorities are investigating and will present the evidence to the grand jury. The State will assist them in any way desired.

"If it develops that the facts are as published, these men are guilty of an unwarranted inexcusable crime, and should be severely punished.

"We do not approve of brutality in any case. We disapprove of the mistreatment of persons accused of crime, even if guilty. It is shocking to think that anyone would be so depraved or so lacking in decency as to try to convict an innocent person.

"We shall certainly see that this matter is thoroughly investigated, and the guilty punished."

SHERIFF FIRES DEPUTY IN 'CONFESSION' CASE; OUSTER IS ALSO FILED

Marshall Orders Sheffield To Clean Up His Work And Quit By Aug. 1

UNDERWOOD STILL JAILED

District Attorney's Action Taken On Grounds It Would Be 'To The Public Interest' —Must Appear Sept. 3

By MORRIS CUNNINGHAM

Deputy Sheriff Homer Sheffield of Indianola, Miss.—implicated in the beating of four Negroes there last week—was hit from two sides yesterday as he was dismissed from office and almost simultaneously made the target of ouster proceedings.

The deputy's dismissal in the bizarre murder "confession" case came in this rapid-fire manner:

1. At about 10:30 Saturday morning Dist. Atty. Stanny Sanders filed ouster proceedings against him declaring that "the public interest will be served by (his) removal from office."

Sheriff Ousts Him

2. Two hours later Sheriff George Smith Marshall telephoned this statement to The Commercial Appeal:

"Homer Sheffield, deputy sheriff of Sunflower County, has today (Saturday) been asked to complete any processes outstanding by Aug. 1. As after that date he will no longer be connected with the Sunflower County sheriff's office."

The dismissal of the deputy came as a climatic development to the two-day ordeal endured by the four Negroes July 18-20, as a result of which three signed written "confessions" to the "murder" of Robert McKinney, another Negro whose mother had reported him missing.

McKinney, the supposed "murder victim," was later discovered in East St. Louis, where he told The Commercial Appeal he had gone to visit an aunt after coming into some unexpected wealth in an Indianola dice game.

The three Negroes who "confessed" to McKinney's "murder" were Jessie James Sr., Jesse Davis and A. C. Redmond, all of whom later exhibited physical evidence of the beatings.

One Wouldn't Confess

A fourth Negro, who refused to "confess," Willie Galloway, was still hospitalized at Ruleville, Miss., Saturday.

Also implicated in the beatings, along with Deputy Sheffield, was C. R. Underwood, a private detective, employed to assist in the investigation of the McKinney disappearance.

The detective, who formerly worked in Memphis, Harlan, Ky., and Chicago, is being held in jail at Cleveland, Miss., for Chicago authorities who want him for violating probation on an armed robbery conviction in Chicago in 1947. He has denied beating the Negroes.

Cleveland authorities have refused to release the detective on bond, and apparently he will remain in jail pending the outcome of an extradition hearing before Governor Wright in Jackson.

The private investigator has declared he will fight extradition. The extradition warrant and other necessary papers reportedly are en route to Governor Wright.

Dist. Atty. Sanders indicated at Indianola that the ouster proceedings against Deputy Sheffield may be dropped as soon as the district attorney receives official notification of the deputy's dismissal.

Charges Whipping

The quo warranto petition, filed in Circuit Court at Indianola, charges that the deputy sheriff "did whip, bruise, and injure and otherwise forcibly intimidate" the four Negroes.

The petition was filed under Section 4235 of the Mississippi Code of 1942 and called for the removal of the former Parchman penitentiary guard on the grounds that such action would be "to the public interest."

The deputy sheriff was called to appear in Circuit Court in Indianola Sept. 3 to show cause—"if any he can"—why he should not be removed from office.

The next regular session of Circuit Court in Indianola is scheduled to open Sept. 3.

The district attorney's action followed a personal investigation which began shortly after the beatings were revealed.

Public indignation has been running at a high pitch in Indianola and Sunflower County since the story came to light and numerous citizens have condemened the beatings and called for a full investigation.

The action taken by Mississippi authorities came as an investigation by the Federal Bureau of Investigation was just getting underway. The FBI entered the case this week at the request of the United States Department of Justice to determine whether civil rights of the Negroes had been violated. At least two FBI agents have been at work in Indianola for the past two days, according to reports.

Text Of Petition

Dist. Atty. Sanders' petition seeking the removal of Deputy Sheffield stated:

"It will be shown that on or about July 18, 1951, Amos Redmond, Jesse James Jr., Jesse Davis and Willie Galloway were arrested in Sunflower County and held for questioning by the sheriff's office of said county with regard to their possible participation in the suspected unlawful killing in Sunflower County of one Robert McKinney, and that during the process of questioning and with the purpose of obtaining a confession of guilt of said suspected crime, from the aforesaid parties, the said Homer Sheffield, while deputy sheriff of the said county and while acting as such, did severely whip, bruise and injure, and otherwise forcibly intimidate them to the extent that all needed medical attention and one required hospitalization and that said whipping and forcible intimidation on the part of said deputy sheriff, all of which was done without authority of law and continued until, to avoid further punishment, one or more of said prisoners signed a written confession of guilt, later proved to be false.

"That said written confession, or confessions, prepared with the knolwedge and consent of said deputy, contained a stipulation to the effect that said confession or confessions were given freely and voluntarily, and were this designed to mislead and misinform this court and its judicial officers, to the detriment of justice.

"That said acts on the part of said deputy sheriff constitute such serious, gross and unlawful misconduct on the part of said deputy sheriff that the public interest requires and will be subserved by his removal from office.

Ordered To Appear

"Wherefore, the district attorey requests that process be issued to Homer Sheffield and, according to law, require him to appear before this court at the regular term thereof, to be held in the courthouse at Indianola, Sunflower County, Miss., on the first Monday and the third day of September, 1951, then and there to show cause, if any he can,, why he hould not be removed from his office as deputy sheriff of Sunflower County, Miss.

"The district attorney further moves the court that upon the hearing hereof this court will adjudge that the public interest will be subserved by the removal of the said Homer Sheffield from the office of deputy sheriff of Sunfolwer County, Mississippi, and will, in accordance with the authority vested in this court by Section 4235 of the Mississippi Code of 1942, remove the said Homer Sheffield from the office of deputy sheriff of Sunflower County, Mississippi."

Legal notice of the ouster suit was served upon Deputy Sheffield Saturday by one of his colleagues, Deputy Witty Wall.

The dismissed deputy could not be reached for comment.

Two White Men Stage 3 Holdups On City Streets, Negro Victims Report

Jackson police Monday were searching for two white men who held up three Negroes in separate places over a period of an hour here Sunday night.

Chief of Detectives M. B. Pierce said the two bandits struck first on the 100 block of Amite street at 8:30 p. m. when they robbed Willie Anderson, Negro of 127 McIntyre of $.15.

The Negro told police he was walking along the street when he passed two white men standing against a building. One of the men asked him the way to Capitol street and when he replied they led him into an alley and took his money, shoes and socks.

The second holdup came at 9:20 p. m. in the 100 block of East Hamilton street when two men, believed to be the same bandits, stopped Algia Jordan, Negro of 231 Grayson court, and asked him the way to Highway 51.

Jordan told police the men then pulled a gun and led him to an alley, where they took $60 and his trousers.

The Negro said they left his trousers beside a street light and he recovered them and called police.

The third victim of the two holdup men was Charles Bynum, Negro of Clarksdale.

Bynum told officers he had stopped in Jackson to change buses on his way home to Clarksdale and had started to a cafe for food when the two bandits stopped him.

The Negro said the two also asked "which way is it to Highway 51."

Bynum replied that he was new in town and didn't know. Then both white men pulled revolvers and led him into an alley where they took $14.75 and made him lie down while they fled down the street.

Lauderdale Negro Prison Trusty Assists in Stemming Jail Break

(Special to The Times-Picayune)

Meridian, Miss., Aug. 30—Eugene Richardson, a Negro trusty, Thursday was credited with preventing a wholesale break by eight Negro prisoners in Lauderdale county jail and with saving the life of night jailer M. W. Gabriel about 8 p. m. Wednesday.

Gabriel said he and the trusty entered the main cell block to place the prisoners in their prescribed cells when four inmates attacked them and a fifth crashed through the open door and ran to the jailer's office, obviously in hunt for a gun.

Unarmed, Gabriel said that had he been carrying his revolver the prisoners might have seized it and taken his and the trusty's life.

In the hand-to-hand combat that followed the sudden assault, Gabriel said that the courage and bravery of Richardson was responsible for bringing the men under control. The fifth, who had been in the jailer's office, meekly returned to the cell block when he saw the tide of battle had turned, it was reported.

Involved Negro prisoners were listed as Robert Lee Jr., Waynesboro, AWOL from his post of duty in the Army; Gene Cole, DeKalb, charged with murdering his own child; Edgar McKinnon, Newark, N. Y., AWOL from his post of duty in the Army; James Miller, Toomsuba, charged with cattle theft and Morcis Monagan, Meridian burglary.

Trusty Foils Prison Break

MERIDIAN, Miss., (INS) —A trusty in the Meridian jail was acclaimed last week as a hero.

Jailer M. W. Gabriel, meanwhile, thanked the trusty prisoner, Eugene Richardson, for saving his life.

Jailer Gabriel explained that when he and Richardson entered the main cell block, they were confronted with eight prisoners trying to escape.

Richardson overcame seven of the men and stopped the other from taking a gun from the jailer's office.

Granted Bond After Shooting Negro Here

Vic Rogers, Highway 49 service station operator, was released from Hinds county jail Monday after making $1,000 bond before Justice of the Peace G. L. Graves on a charge of shooting with intent.

Officers said Rogers was jailed after he shot a Negro through the mouth with a .44 pistol bullet. Officers said Rogers claimed the Negroes stopped in front of his house and were fixing a flat tire. He said, according to officers, that the Negroes started an argument and he asked them to stop. When they did not stop arguing, officers said, Rogers claimed he went into the house and got his pistol and fired.

FBI Will Probe 'Forced' Confessions Of Negroes To Murder Never Committed

INDIANOLA — (AP) — Federal and State investigations are being prepared Wednesday into charges four Negroes were forced to admit a Negro slaying which apparently never occurred.

District Attorney Stanny Sanders said the case will be submitted to the Sunflower county grand jury which convenes in September. Any indictments returned in the case, he added, could be tried during the same term of court.

In Washington the FBI said it will report findings of a preliminary investigation to the Justice Department's Civil Rights division.

INDIANOLA — (AP) — FBI agents moved in Wednesday to investigate the alleged whipping of four Negroes by Sunflower county officials who suspected them of killing a man who later turned up alive.

An FBI spokesman in Washington said agents would report on the incident to the Justice Department's Civil Rights division "as soon as possible." If Federal laws have been violated, the department could prosecute the officers involved.

Sheriff George Marshall said "the beatings did happen and I have issued a severe reprimand." The Negroes were arrested last week, but were freed when the "victim" was rported alive in East St. Louis, Ill.

The four were identified as Jesse James, Jr., and Amos Redmond, both field hands, Jesse Davis, a service station worker, and Will Galloway, cab driver.

Robert McKinney, 17-year-old Negro field hand, was reported missing by his mother. In East St. Louis, McKinney said he was "very much alive" and was surprised the four other Negroes had been arrested in connection with his supposed "murder."

Sheriff Marshall said Deputy Homer Sheffield and C. R. Underwood, a private investigator from Cleveland, Miss., applied "a small amount of heat" to the Negroes to obtain confessions.

He said the two men probably "used a leather strap."

Deputy Sheffield first said he "strapped them (the Negroes), but they were not abused. I was not brutal at all." Later he denied it. "Anybody who says I beat or harmed the Negroes is a liar," said Sheffield. Underwood also denied he took part in the whipping.

Two of the Negroes, Redmond and James, said they were lashed with a leather strap "about four feet long and eight inches wide." They said Sheffield wielded the strap while Underwood held their heads down.

"I couldn't stand the pain," said Redmond. "And I told them I would say what they wanted me to say. They told me to sign a piece of paper that they said was a confession and I put my mark on it."

A. A. Coleman, owner of the plantation where James and Redmond work, said both bear evident marks of the beatings. He said the two men were unable to work when released from jail. Davis is back at work at the service station and the North Sunflower County Hospital at Ruleville said it had a patient, Willie Galloway, from Indianola.

Coleman said he was in the sheriff's office when Sheffield brought the confessions for the Negroes to sign, and was made to leave. He said while he was in another room he could hear the Negroes being beaten "with what sounded like a leather strap."

Dr. James Clark, Jr., said he was treating Galloway and it would be a few days before he can be released. Dr. G. D. Baird of Indianola said he treated Galloway in the jail and the other three at his office. He said all had bruised buttocks but said he did not ask how they received their wounds.

From his hospital bed at Ruleville, Galloway said "I told them I had told the truth whether they killed me or not."

Sheriff Marshall made public one of the confessions signed in ink by James and witnessed by Sheffield and Underwood. The statement said:

"My name is Jessie James, Jr., I am 29 years old. I am not married. I live on Mr. A. A. Coleman's place in Indianola, and have lived there since 1949. I am a tractor driver.

"On Sunday night, July 15, 1951, I, Jessie James, Jr., and A. C. Redmond, and Jesse Davis and Willie Galloway rode in a green cab, driven by Willie Galloway, with Robert McKinney. I hit Robert McKinney in the head with a brick and then passed the brick to A. C. Redmond, who hit him again in the head. We then held his head out of the cab window so that the blood would not get on the interior of the cab. We drove north on Highway 49 to Sunflower river. Robert McKinney was not dead at this time, but he was not able to move. We crossed the bridge and then turned around and came back onto the bridge, and the car slowed up. I grabbed one side of his body and grabbed him by the shoulder and threw him overboard and I guess he fell into the water. We kept on going and came back to Indianola. We robbed him of $40 and I received $10 for my share of the robbery.

This statement is made of my own free will and accord, and without any promises of bribery, force or leniency on the part of anyone.

(Signed) Jessie James, Jr."

James and Redmond said that they did not "confess" until they were beaten with the strap, which they said was about four feet long and eight inches wide.

They said they were made to "take off their clothes and Deputy Sheffield beat them while Mr. Underwood held their heads down with his foot."

Negro Sentenced To 15 Months On Dope Charge

Talmus Lee Quinn, Negro, was sentenced to 15 months in state penitentiary by Hinds Circuit Judge M. M. McGowan Thursday on the charge of violating the state narcotic law.

Quinn and Samuel Lee Bates, who was jointly indicted, both pleaded guilty to taking a quantity of morphine from Morris Pharmacy in September. Bates' case was passed to the May term for sentence.

In other court action Thursday, Aubrey Eugene Tatum was sentenced to six months and suspended fine of $500 for burglary. Bobbie Lewis Edwards was sentenced to six months and suspended fine of $500 for larceny.

A bond of $5000 was fixed for R. W. McDaniel charged with robbery. His case is due to come up at the May, 1952 term. The case of E. E. Truitt, charged with forgery, was continued to May.

A motion for a new trial for Leon Holderfield, who was convicted of burglary and sentenced to three years, was heard Thursday morning by Will S. Wells, acting judge, and the ruling was reserved to be entered in vacation.

3 Negroes 'Confess' Slaying; It Didn't Happen: F.B.I. on Case

INDIANOLA, Miss., July 25 (AP). —The Federal Bureau of Investigation is conducting a preliminary investigation of a report by the sheriff here that three Negroes were forced to admit a slaying which apparently never occurred.

Sheriff George Marshall, of Sunflower County, said one of his deputies and a private detective probably used a leather strap. One of the Negroes was beaten so badly that he required medical attention, the sheriff said.

The F. B. I. said in Washington that it will report its findings for consideration by the Justice Department's Civil Rights Division.

The sheriff said he planned no action against the two white men involved, Deputy Sheriff C. N. Sheffield and Charles R. Underwood, of Cleveland, Miss., private detective.

The victims were Jesse Davis, Jesse James and Amos C. Redmond. The missing man was listed as Robert McKinney.

Mr. McKinney's mother reported him missing last week. The three Negroes were picked up for questioning. Sheriff Marshall said that "after some heat probably had been applied," one of them said the three had killed Mr. McKinney with a brick and thrown his body into a river. The next morning Mr. McKinney's mother received a letter from her son in East St. Louis, Ill.

At Cleveland today Mr. Underwood denied that he and Mr. Sheffield had beaten the Negroes with a strap. "We used applied psychology but we definitely did not use a strap on those boys," he said. He described "applied psychology" as "accepted police methods."

Victory For The South

Thanks to the fairness and courage of the people of Indianola and Sunflower County, Miss., a victory of incalculable value to the South has been achieved. It is a victory of decency over brutality—of honesty over the most vicious sort of wrong doing and fraud. It is a grim warning that the old-fashioned and outrageous theory of law enforcement that "anything for sake of a conviction is all right" has no place in modern, enlightened society and particularly, in the South.

The victory was symbolized by the sentencing of two white men for beating four Negroes so severely that they confessed to a "murder" which hadn't been committed. One was a deputy sheriff and the other a self-styled private detective later revealed to be an Illinois probation-violator. He had been hired by a sheriff "too busy" to do his own investigating. The now-dismissed deputy was in charge of the jail where the four innocent Negroes were imprisoned and beaten until they "confessed."

Both assailants pleaded guilty to four charges of assault and battery. The sentences imposed are the maximum permitted—six months imprisonment and a $500 fine. They should be compelled to serve every day and pay every dollar.

THE COMMERCIAL APPEAL is proud of the part it played in bringing their outrage to the attention of Mississippi's people but infinitely more proud of the manner in which, from Governor WRIGHT down, the people reacted to their sense of great indignation. Especially are we gratified by the response which came from the citizens of Indianola and Sunflower County. They and their prosecutive and judicial processes are responsible for the outcome. They even provided for the employment of a special prosecutor to assist District Attorney SANDERS. They were determined that there would be atonement to outraged justice and their will has prevailed. Every honest law enforcement officer in the South will rejoice that it is so.

The two guilty assailants violated not only the Constitutional rights of those

they so falsely accused but their every action was repugnant to honest citizens in whose service they were sworn. Their's was a crime against law enforcement itself as well as against individuals.

The victims were of humble background but far from friendless for as their friends and as their champions, their state and all its good people stood forth. Let the memory of that spectacle be engraved in the minds of those who so readily and blatantly speak ill of "Southern justice." Here was true Southern Justice!

Federal proceedings against the discredited and imprisoned officers impend but whatever their outcome it is the lesson of local handling of local problems—of local justice prevailing to rectify a terrible wrong that it is so impressive and so expressive of the goodness of the people of Mississippi as this newspaper has known and recorded it for more than 100 years.

Negroes Charged In Narcotics Case Await Grand Jury

Two Negro men arrested here on charges of violating the state narcotics laws waived a preliminary hearing and were bound over to the Hinds county Grand Jury Friday on $1000 bond each.

Palmus E. Quinn, 27, and Samuel Lee Bates, 24, both of Jackson, were arrested this week after one of the men was found with morphine in his possession, police reported.

Chief of Detectives M. B. Pierce said Quinn was arrested Monday night after officers found 82 ¼ grain morphine tablets in his possession.

Wednesday Quinn admitted to police he was buying the dope from Bates who worked at a local drug store.

Quinn told police he was a "reefer" smoker, but had failed to find any of the dope in Jackson. He told police he knew Bates worked at the drug store and got him to steal the morphine and pass it to him.

Bates told officers he got the morphine Monday morning and passed it to Quinn Monday night.

At the same time another Negro, Bobby Lewis Edwards, 20, of Jackson, wos bound over to the Grand Jury on $750 bond on charges of automobile theft.

Edwards is charged with stealing a 1950 Lincoln owned by W. B. Ulmer of Dallas, Texas, from a local parking lot Wednesday night and wrecking it less than a mile away.

Pierce said Edwards posed as an employe of the parking lot when Ulmer parked the car, then took the keys, drove the automobile and picked up his friend, and then smashed the vehicle into a tree a few minutes later.

Police found the abandoned automobile, and arrested Edwards Thursday morning after the other Negro notified them that he was involved in the wreck.

Key Man In Trial Beaten, Drowned

Leepender Sat. 8-4-51

KANSAS CITY — (INS) — A Jackson county grand jury will investigate the murder of Matt Jones, key witness in a Circuit court case whose body, weighed down with a block of concrete, was found in the Missouri river last week.

Circuit Judge John F. Cook said he would set the wheels in motion to call the grand jury as soon as possible. He said a jury was to have been called Aug. 10 but if it is summoned immediately it will have more time to investigate the slaying.

Meantime, the Kansas City Crime commission offered a $10,000 reward for information leading to the arrest and conviction of Jones' killer or killers.

Jones, 48, disappeared late Sunday night, 12 hours before he was to have appeared as a witness in the contempt of court case against Kansas City Criminal Lawyer Alfred H. Osborne.

His body was found in the Missouri river near Waverly, Mo., about 80 miles from Kansas City.

An inquest determined he met death by multiple head wounds and drowning, indicating that he was still alive but unconscious when thrown in the river. Police still have not learned the exact location where Jones was dumped in the Missouri.

Authorities, who termed the slaying a "crude job," were investigating the theory that Jones may have been killed because he knew too much about gambling and the narcotics racket.

It was pointed out that he had "talked a lot" in several court cases he was recently connected with.

against Alfred H. Osborne, a white attorney.

Wored

The indicted men are Ivory Johnson, alias Ivory Hudson, alias "Seldom Seen;" Floyd Casear Smith and Erwin Curtis Jones. Each was charged with inflicting fatal wounds on Matt Jones by hitting him with a .38 caliber revolver.

Wed. 8-15-51

Johnson was implicated in the killing by Smith and Erwin Jones after they had admitted taking part in the kidnaping and murder of the missing witness last July 22.

Johnson, who returned voluntarily from Chicago Sunday, August 4, stoutly maintained his innocence. All three, when arraigned minutes after the indictments were returned, pleaded not guilty. Circuit Judge John Cook ordered them held without bond for the September term of court, which opens Sept. 10.

Atlanta, Ga.

Jones was to have been a witness in contempt proceedings against Osborne, growing out of alleged jury tampering and procuring of false testimony in damage suits.

3 Indicted In Drowning Case

KANSAS CITY-(NNPA)- Three colored men were indicted here last Tuesday charged with the murder of Matt Jones, whose body weighted with a concrete block was found in the Missouri River two days after he was to have appeared as a witness in contempt of court proceedings

Fern Pleasant

Pretty Co-ed Convicted On Narcotics

Courier Sat. 12-29-51

ST. LOUIS — (MCPB) — In a dramatic trial which climaxed almost a year of court action, Miss Fern Pleasant-Taylor, pretty redheaded ex-Stowe Teachers College co-ed and socialite, was convicted on two Federal narcotics charges this week.

Miss Pleasant, who was almost acquitted of the long-standing Federal charges against her last September when a hung jury reported it could not reach a verdict in the case, was convicted last Wednesday in the same United States District Court of Federal Judge Rubey M. Hulen.

The jury of ten men and two women which convicted the 24-year-old slim beauty, this time brought in two verdicts before reaching a final decision.

CLEMENCY ASKED

In their first verdict the members of the panel asked the court for clemency for the defendant but Judge Hulen instructed them to go and come back with a direct verdict of guilty or not guilty. They returned in less than an hour with a verdict of guilty.

The last of the three women arrested by local police and Federal narcotics agents last Feb. 6 at 770 North Euclid in St. Louis' exclusive West End, Miss Pleasant was charged with having sixteen capsules of heroin and one marijuana cigarette in her possession at the time of the raid. Police said the three women arrested were operating a $10,000 "cut-rate" dope ring by selling dope at $2 a unit instead of the usual price of $3.

One of the other two women, Mrs. Eva Murdock, alleged head of the ring, was convicted and sentenced to eight years in the penitentiary last September in Judge Hulen's court. The third member of the trio, Miss Pauline Fielding, daughter of Mrs. Murdock, was acquitted last October. Miss Pleasant will be sentenced at a later date.

GAZING AT WHITES CRIME IN JERSEY:

Youth Jailed for Looking in Window in White Block

Afro American Dat. 8-4-51

By SAMUEL A. HAYNES

CAMDEN—The jubilant mob representing all races, creeds and nationalities that welcomed home Heavyweight Champion Jersey Joe Walcott last Friday was in striking contrast to another mob which roamed Stevens St. from June 25 to July 1 looking for a 'n---r.'

Here is an unpublicized story of fascist trend which still exists among the hoodlum element in this city not far from Walt Whitman's home.

This reporter ran across it during a recent two-day visit.

Whites Resent 'Invasion'

Whites in the 400 block of Stevens St. had always resented the fact that a respectable colored American family, Mr. and Mrs. Robert Butler, bought the three-story house at 437.

Baltimore Sun

Mrs. Butler is the only colored teacher in a local school holds the M.A. degree from Temple University, and attends the Rutgers University Workshop in Human Relations in New Brunswick.

Mr. Butler is a well known citizen and railroad worker. They operate one of the best rooming houses in the city.

Last June 25, Charles Brown, who was taught in the grade school by Mrs. Butler, was arrested and sentenced the next day to a year in jail for allegedly peeping in a kitchen window of the Astor apartment across from the Butlers.

The irony of his arrest and imprisonment is that though the blood-lust mob labeled him as a "n---r," dary and shine; Brown is in reality the son of a white man who was married to a colored woman now dead.

But, apparently, Brown's imprisonment did not satisfy the white tenants in the apartment building which this reporter found upon close inspection from the outside to be a replica of some run-down houses inhabited by poor whites in the tobacca and cotton belts of Dixie.

Teacher Relates Terroism

Here is how Mrs. Butler, who notified the police of the trouble that was brewing and sat up with her husband a whole week in an effort to restrain her roomers from challenging the mob, describes the tension;

"The crowd of white men were convinced that Brown must have had a 'peeping' accomplice.

"They were armed with shotguns and clubs who patrolled my block looking as they shouted for another 'n----r'!

Roams Street a Week

"So intense was the frenzy of the apartment house that nearly every white male in my block soon took up clubs and guns and joined in the search.

"For a week they kept it up, June 25 to July 1.

"Watching from our window, it was awesome to see these men on top of the roofs with shotguns and clubs and witness their Klan - like activities.

"Fortunately, only one colored male passed through the block at night during the tension, except those who lived in our house.

Police Arrived in Time

"Our men were not molested, but the colored man who passed through the block was only saved from the mob by the timely arrival of police with Brown, the 'peeping' suspect for identification.

"Only repeated calls from our house to police headquarters made a change in the situation which was fast approaching a crisis when colored people in the next block discovered what was happening."

Negro Federal Agent Risks Life To Trap Dope Sellers

NEW YORK, Jan. 23—(AP)—A Negro federal agent, disguised in a French beret and a trench coat with a fur collar, risked his life to trap a dozen "big shots" accused today of supplying dope to New York's carriage trade.

The overnight roundup of 12 alleged major narcotics wholesalers was described as a "paralyzing body blow" to the illegal drug traffic when the men were arraigned today in federal court. A hearing was set for Friday.

Police said the men were involved in transactions running into "millions of dollars."

The unidentified agent smoked big cigars and posed as an interstate narcotics distributor, several times risking his life, Dist. Atty. Frank S. Hogan said. Hogan said he wore the unusual apparel to establish himself as a "character" and perhaps lessen any suspicion.

Recent raids, in part a crackdown on the sale of narcotics to schoolchildren, have netted scores of other persons who are awaiting trial on various narcotics charges.

Well-heeled with an enormous bank roll, the Federal agents started in Texas and worked their way through the Midwest, buying narcotics in ever greater quantities until they were led to the drug ring's masterminds.

The four were said to have brought opium and heroin into the country from abroad and distributed it nationally, but Federal narcotics officials did not reveal exactly how they operated.

LETTER DECODED

They got on the trail of Connas after decoding a cryptically written letter they found on a suspect.

Connas apparently was tipped that Federal agents were on his trail and went into hiding, officials said.

He was being held under $25,000 bond on a charge of possessing more than four pounds of opium, a huge quantity of the drug in its pure form.

The Federal action climaxed a vigorous New York police campaign to stop the narcotics traffic, especially by peddlers selling to schoolage children.

15-Million Ring In Dope Broken

NEW YORK, Jan. 19 (UP).—Federal narcotics agents revealed today that they had broken up a $15,000,000-a-year international narcotics ring, reaching its leaders after undercover sleuthing and drug buying from Texas through the Midwest to New York.

The long search for some of the Nation's biggest distributors of illicit drugs ended when the narcotics agents cornered 50-year-old John Connas at his home here, only to have him lunge murderously at them with a knife. He was subdued.

CALLED IMPORTANT SOURCE

Connas, described as "one of the most important international sources in the illegal traffic in opium," was seized yesterday. Three other alleged ringleaders were seized earlier this month. Thy were Ali Moharan, Anthony Pisciotta and his brother, Rosario.

Miami Crime Rate Down, Mag Says

PLEASANTVILLE, N. Y.—Crimes of violence in Miami's Negro areas have been reduced by half, and juvenile delinquency two-thirds, since the appointment of a Negro to the Miami bench says Albert Q. Maisel in the August Reader's Digest. In an article condensed from Christian Herald, Maisel tells the story of Lawson E. Thomas, the South's first Negro judge since Reconstruction Days.

Negro Risks Life To Trap Accused Dope Peddlers

NEW YORK, Jan. 23—(AP)—A Negro Federal agent, disguised in a French beret and a trench coat with a fur collar, risked his life to trap a dozen "big shots" accused Tuesday of supplying dope to New York's carriage trade.

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Police said the men were involved in transactions running into "millions of dollars."

The unidentified agent smoked big cigars and posed as an interstate narcotics distributor, several times risking his life,, District Attorney Frank S. Hogan said. Hogan said he wore the unusual apparel to establish himself as a "character" and perhaps lessen any suspicion.

The super-cautious kingpin of the new group, according to Hogan, was Anthony Granza, 35, also known as Tony Scallo and Tony Skunge. Hogan said Granza has served time in Federal prison on a narcotics charge.

Granza and Jacob (Nat) Pettigrew, 49, a Negro who was arrested with him, were identified by Hogan as the major dealers in the Broadway area and Harlem, respectively. Pettigrew was quoted as admitting making up to $8,000 weekly selling dope.

Negro FBI Man Cracks Dope Ring

By AVA EAST

NEW YORK—The identity of the daring, imaginative Negro Federal agent who, at the risk of his life, led to the smashup last Tuesday of the city's slickest narcotics ring is still unknown.

District Attorney Hogan still steadfastly refused to reveal the identity of the man who got on the inside of the ring as a distributor and brought about the arrest of twelve men who were selling high quality narcotics to the carriage trade.

Mr. Hogan said only that the agent was a graduate of St. Johns University and Brooklyn Law School. He added that he wore a fur collared trench coat, a beret and smoked large cigars, trade marks of a New York character.

During the past few months, the agent had established "contacts" in and out of New York, frequented Harlem bars, made mysterious trips and finally gained the confidence of the big boy.

Among the men arrested was Jacob Pettigrew, 49, of 527 Lenox Avenue, who allegedly operated a major source of heroin and marijuana in the Harlem area. Mr. Hogan quoted Pettigrew as boasting that his weekly gross income was between $5,000 and $8,000. Pettigrew is already out on $25,000 bail in another narcotics charge.

Kingpin of the twelve arrested was Anthony Granza, a Broadway character, who screened his customers, rode them around the city for hours, then sold them his wares three and four days after the initial contact, through his specially trained lieutenants.

Neither the customer nor the distributor knew who they were buying from, so slick were Granza's operations.

Actual details of how the Negro agent operated within the ring were not revealed. It was hinted, however, that he is now working in another city.

Local and Federal authorities also intimated that more undercover work is being concentrated in the Harlem area and that many more arrests will come within a few days. Arrested with Pettigrew and Granza were Pettigrew's chauffeur, Charles Gooden, 41; Harry Collins, 36, and Ernest Sharer, 52.

Meanwhile, the entire city became increasingly alarmed over the staggering number of youngsters and teen-agers who have been picked up in connection with the usage or the sale of various kinds of narcotics.

Accused of Killing Girl, Burning Body in Furnace

Stepfather, Chain Gang Fugitive, Made Advances to Child, Police Say

Eleven-year-old Fannie Shirley Carroll was strangled, thrust into a blazing furnace and burned after she resisted her stepfather's advances, police charged today.

The stepfather, James Goode, 35, of 1388 Crotona Ave., Bx., a Negro fugitive from a North Carolina chain gang, was booked on a homicide charge.

The youngster, reported missing Saturday, had been the object of an intensive search until early today when, police said, Goode, who had been arrested in North Carolina in the shooting of a woman, confessed strangling the girl.

Goode, according to police, said he took the little girl into the basement of the apartment building in which he was superintendent. When she resisted his advances, police said, he strangled her because he feared she might complain to his wife and her mother, Eva Lucille Goode.

Aware that the child was dead, Goode buried her under tons of coal in the apartment building basement. Later he threw her into the furnace and opened the drafts wide, shoveling coal on until the body was completely consumed.

When Goode reported the disappearance of the child, he joined in the search for her, even going to moving picture theaters and to the neighborhood of their former home in Harlem.

Dope Counts Hold 5 White, 2 Colored Men

Tan Sleuth Works as Porter 11 Weeks to Gather Evidence

By JAMES L. HICKS

NEW YORK—Two colored and five white men were arrested here last Friday as police broke up a million-and-a-half-dollar dope ring in Harlem after being aided by a 29-year-old colored detective who worked for 11 weeks as a porter in a Harlem establishment to gather evidence on the mob.

The two colored men arrested are Clinton Byrd, 34, of 115 W. 118th St. in Harlem, and Charles Marshall, 33, of 1394 Prospect Ave., Brooklyn.

Byrd and Marshall, whom police said are dope addicts, were pictured by police as "small fry" in the ring which engaged in a wholesale business of selling pure heroin to dope peddlers who flew here from Detroit, Boston, Chicago, and Los Angeles to do business with the ring.

Police said the daily "take" of the dope ring, which operated in East Harlem, averaged more than $5,000 a day.

Prisoner Cries for "Shot"

After his arrest on Friday, Marshall began to cry and twitch on the floor of police headquarters and a doctor had to be called to give him a shot of heroin before he was able to testify for police. Police said Byrd is a "snorter," a dope addict who "gets his kicks" by sniffing dope through his nose.

The seven men were arrested Friday by 11 detectives who rounded them up at the following street corners in East Harlem: 15th St. at Third Ave., 11st St. at Park Ave., 116th St. between Second and Third Aves., 117th St. at Third Ave., and 116th St. at Pleasant Ave.

Playing a major role in the arrest of the dope ring was Det. John Francis, 29, a member of the detective bureau since March 5, 1948.

Plays Porter 11 Weeks

Married, the father of two children, he obtained a job as a porter in an East Side Harlem business establishment and worked nearly eleven weeks before obtaining enough evidence to "break" the case. Taking a room nearby, he at times spied on the activities of the ring from the window of his room with a pair of binoculars.

He was reluctant to talk with this reporter Saturday, saying simply that he had merely been doing his job and pointing out that credit should also go to other members of the bureau under Det. Kitty Barry, woman sleuth, who directed their work.

Although police felt that the arrest of the leaders had broken up the ring, there were broad hints that many arrests would follow both in Harlem and in other cities.

When Byrd was arrested he broke down and after admitting that "I was wrong for what I did," said "But I'm not the worst. The people who are supposed to be here today, aren't here."

Caught Accepting Package

Byrd was arrested after detectives, who had been shadowing him for ten weeks, saw him accept a package from Fred Truppa, white, whom police described as the dope ring's "runner." Truppa is only 17 years old.

They followed Byrd and arrested him at 15th St. and Third Ave. with the package in his hands. The package contained pure heroin, police said.

Marshall was arrested after police saw Joseph Russo, described as one of the top gang leaders, picked him up at 11st St. and Park Ave., drive one block, hand him a package and let him out of the car. Detectives then came up, arrested Marshall and found a package of heroin on him, they said.

He was arrested on 116th St. between Second and Third Aves.

Released Under $10,000 Bail

When the seven men were arraigned in Felony Court last Friday Marshall, who admitted having used dope for 15 years, police said was denied bail because of a previous criminal record. Byrd was released in $10,000 bail.

Police said Byrd and Marshall were not leaders in the gang, Both men were said to have joined the ring in order to obtain money with which to buy dope for themselves.

The gang sold pure heroin as wholesalers. This can be broken down with milk and sugar and retailed to dope users. This is called "cutting." Police said Jack Rutigliano was the No. 1 man in the gang, He was carrying $3,32 when arrested, but did not have any dope on him. All others did.

Six of the men were charged with possessing dope with intent to sell. Rutigliano was charged with acting in concert with the six.

Meanwhile, in Washington, the illegal traffic in narcotic drugs was described in the final report of the Committee as "organized crime at its devastating worst."

In exposing widespread national and local crime conditions to public gaze, the committee paid very little attention to colored racketeers, but concentrated primarily on the "big shots" and the mobs which control gambling operations through alliances with politicians and police.

One of the exceptions in the committee's study of crime in medium-size cities was its inquiry into the illegal traffic in narcotic drugs. Its investigators brought before the committee a parade of witnesses, a larger proportion of whom if not a majority, were colored.

Addicts, Peddlers Numerous

The testimony of these witnesses showed that, while drug addiction and peddling cuts across all social and group lines, colored addicts and peddlers are numerous. Yet, the overlords in this traffic are white, with Charles (Lucky) Luciano, notorious gangster, vice king and racketeer, deported convict, now living in Italy, as the kingpin.

In its report, the committee pointed out that in the past two years the country has been "jolted to its foundations" by the discovery that youngsters, especially in the larger cities, are becoming drug addicts.

The report mentioned New York, Chicago, Baltimore and Washington as cities where the number of under-age addicts have increased. These young addicts, in a large number of cases, the report said, engaged in crime for the sole purpose of satisfying their drug habit.

Dope Suspect 'Craves' for Shot

Charise Marshall, 33, one of the seven men rounded up in a raid on the headquarters of a Harlem dope ring, is shown in a state of near collapse on the stairs before police called a doctor to give him a "shot" of the drug he craved. Police say Marshall had been using narcotics for 15 years, often stealing to get money to buy drugs.

Duffel Bag Held Hiding Spot for Dope

T/Sgt. Earl F. Gentry (left), smartly groomed Army sergeant, who was arrested in New York City last week and accused by police of running a wholesale business in marijuana while on his grim missions of escorting the bodies of Korean-War dead to their home towns for burial. Gentry is being questioned by Sgt. John Cattone of the East 126th St. Police Station narcotics squad after his arrest. In center are nine pounds of fully processed marijuana which police say they found hidden in a duffel bag in Gentry's car.

LAW STUDY IN PRISON LEADS TO HIS RELEASE

A prisoner who was released on Tuesday from Clinton Prison at Dannemora, N. Y., where he had served seventeen years of a thirty-years-to-life sentence for assault and robbery, told yesterday how he had educated himself in prison so he could take the measures that led to his freedom.

The former convict is Abraham Davis, 40 years old. He discussed his case in the presence of his sister, Mrs. Exie Daniels of 10 Convent Avenue, in the office of the New York branch of National Association for the Advancement of Colored People, 261 West 125th Street. His sister and association attorneys had worked to obtain his release.

Davis was sentenced in December, 1934, for a Brooklyn robbery, as a fourth offender. He had been convicted three times previously in Philadelphia.

In prison he attended classes and won a high school diploma. Then he obtained subscriptions to law journals. In reading these and talking with other prisoners, he became convinced his three convictions in Philadelphia were not felonies in New York State.

In December, 1949, the New York Court of Appeals ruled that larcenies committed outside this state could not be construed as felonious unless they conformed to New York laws. Pennsylvania's definition of larcenies doesn't. Davis, on a brief he had prepared, and with a lawyer arguing his motion, won a writ of habeas corpus in Supreme Court, Plattsburgh. A stolen goods count in Philadelphia then was erased.

Last week, Davis was brought before Judge Louis Goldstein in Kings County Court for re-sentencing. He received fifteen years —a term he already had served. Thus he could be freed.

Hoodlums Force Man To Swallow Metal Articles

RALEIGH, N. C. — (INS) — Leon Burns, a 38-year-old Negro from Jefferson, Ga., was found sitting in a Raleigh bus station doubled over with stomach cramps.

He was taken to St. Agnes hospital where he told doctors he had been beaten near his Georgia home.

"They made me swallow a lot of stuff," Burns said.

Doctors took one look at his stomach through an x-ray machine and immediately operated. They removed:

Seven automobile spark plugs, eight keys, one wheel weight balance, one unfired .32 caliber bullet and part of the point of a knife.

A doctor said infection had set in and the man is in serious condition.

School Principal Gets Life Term In Burglary Case

RALEIGH, N. C. — (ANP) — A youthful Negro school principal, who was caught hiding in the bedroom closet of a white woman, last week received two life sentences and three 30-year terms in prison after pleading guilty to five burglary charges.

When detectives caught Charles Alvin Cheek, 22, he had in his possession new paper money which was identical in denomination to that which the woman in whose house he was caught had lost. His finger prints connected him with four other robberies.

Cheek at first pleaded innocent to five first degree burglary indictments. His attorney later tendered pleas of guilty to being an accessory before the fact of first degree burglary in two cases and guilty to second degree burglary in the other three.

A graduate of Shaw University, Cheek earned $214 a month as principal of the Jeffreys Grove school. He is married and has an infant son.

Many of Raleigh's leading Negro citizens took the stand in defense of Cheek. They said that they knew Cheek and his family well and that their reputations and character were beyond reproach.

For conviction for being an accessory before the fact of a capital crime, the life term is manadatory under the law.

Democracy in Action — American Style

You'd gather from this photo that the young woman shielding herself in bed had committed a murder, thus the presence of policemen—four in all. However, this photo was taken in Greensboro, N.C., last week as city police arrested Miss Nina Shipman on charges of bootlegging. She'll be given a hearing in Municipal County Court on Nov. 5.

SHOOTS WHITE LOVER, GIRL GETS TWO YEAR SUSPENDED SENTENCE

BEAUFORT, N. C., Sept. 17—Sixteen-year-old Ruby Lee Boyd, who shot her alleged white sweetheart in a jealous rage recently, was given a two-year suspended sentence last week. Ruby shot him when she found her paramour in a cabin with another woman.

The defendant, who began her illicit love three years ago when she was only 13, had spent many weekends with her lover in the cabin where she found the other woman. She apparently had thought she had a monopoly on the weekend love feasts.

The lover, Bert Clark, who is recovering from bullet wounds in the forearm and hip, is scheduled to be tried on charges of fornication and adultery and carnal knowledge. He is under $1,000 bond.

Miss Boyd, who went to Greenville, N. C., after the shooting, and reported to officials, was tried last week on charges of assault. The two-year sentence was suspended on condition she return to the home of her mother at Greenville and remain on good behavior for the next five years.

Clark, who waived preliminary hearing, will be tried at the October term of Superior Court.

Miss Boyd was a dishwasher in a Greenville Restaurant three years ago when she began her illicit love career. Clark was a student at East Carolina College, according to police report. Afterwards Clark became instructor at the Cherry Point Air Station.

The teen-age girl's love affairs came to light three weeks ago when she appeared at Greenville police headquarters and reported that she had shot Clark with a .22 rifle when he threatened to strike her.

Police Chief Beats Lawyer in School Case

One of Attorneys in Suit Demanding Integrated Schools

PLYMOUTH, N.C. — William D. Butts, 44, well known Newport News, Va., attorney, was admitted to a hospital here last week for treatment of wounds suffered when he was clubbed oer the head Tuesday night by Robert Sawyer, white, chief of police here.

Speaking from his hospital bed, the noted civil rights lawyer recited incidents leading up the the beating and praised white Washington County officials and other white citizens for the treatment he has received since the attack.

"The county attorney, sheriff and other citizens of the county "have treated me as kindly as possible, apologized for the incident, and have assured me that those are terribly sorry that the incident occurred," he said.

White Provide Doctors

Mr. Butts, who had started to Newport News for treatment but was stopped by repentant white citizens who provided two physicians for him, quoted one of the doctors as telling him he would be able to appear in court at Washington (N.C.) next day.

(Mr. Butts was here as counsel for Miss Merelene Anthony and others in a suit being heard in Superior Court at Washington, in which colored citizens of this city are opposing plans of the county education board to consolidate the three county high schools at Roper.)

Describing the attack on him, the Newport News lawyer said he was standing on the street in Roper Tuesday night, talking with several other persons when the chief of police accosted him, telling him "You're blocking traffic—you're under arrest."

Cop in Plain Clothes

The policeman was not in uniform, Mr. Butts said, but "had a flashlight in his hand, so I asked him what authority he had to arrest me, telling him that I was a stranger in town."

When the man said he was an officer, Mr. Butts said he asked him (the policeman) to show his badge, which he did. Butts said he then asked the officer "What are you arresting me for?" and the policeman replied, "You're blocking the sidewalk."

Butts said he then told Sawyer he would "have to go upstairs and get my coat," knowing that his money was in his coat pocket and that he would need it for bond, but at that instant, Sawyer began beating him over the head with his blackjack.

Thought Man Joking

"I don't know what would have happened," he declared, "if some white and colored people had not grabbed the officer." When the officer first accosted him and accused him of blocking the sidewalk, he said, he thought the man was joking. "Lawyers don't expect this sort of thing," he asserted.

He said the white people of Washington County have "done everything they could to show that they're ashamed and say there was no reason for the attack. They can't act any nicer. They even provided a bed in the hospital so my wife could be with me."

His doctors had assured him there was no concussion as a result of the severe blows, the attorney said, quoting them as saying he suffered mostly from shock.

13 1951

Ohio

Tenant Killed, Wife Shot In Rent Dispute

Defender Sat 1-13-51

13 Ohio

CLEVELAND, Ohio — A 35-year-old Cleveland man was being held in jail to face almost-certain first-degree murder charges this week in this city's second 'Rent control murder' since the establishment of the OPA.

In one of the first cases of violence of the New Year, a landlord, carrying a grudge against a tenant who had won a $500 decision against him before the Rent Control Board, called on the man to 'straighten it out.' He was armed with a monkey-wrench.

The tenant disarmed the man of the wrench, but the landlord reached for a gun and shot both the tenant and his wife. The wife was injured and the husband died immediately.

Two years ago a landlord in this city lost a case to a tenant before the rent board, and had thugs beat the tenant into insensibility. He later died and the landlord was jailed.

Woman Stabs Husband, Then Blames Negro

The Police Department reported this week that a white woman stabbed her husband during a brawl and then attempted to blame the assault on a Negro.

The woman named Jimmy Harris, auto mechanic, who lives in the 700 block of North Lansing. He was picked up by Officers R. N. Oliver and W.A. Sanders, but was later cleared by the woman's husband, who told police that the stabbing was done by his wife. The man who was stabbed is Robert L. (Bob) Parker, sixty, of 120 and one half North Madison Avenue. According to police, the stabbing was done by his wife, Mrs. Bessie Parker, abouty fifty, during a brawl in their home Monday night.

Parker was removed to Hillcrest Hospital with a deep stab wound in his abdomen. He was reported still in a critical condition yesterday. He and Harris, the mechanic, have been friends for some time.

BAILMENT WARRANT ANTICS HIT:

Ruthless Bad-Debt Practices of Constables to Be Probed

Afro-American Dat. 3-3-51

PHILADELPHIA

Wide and deep probing into the antics of constables, deputy constables and private detectives has been ordered by Philadelphia's District Attorney.

Such an investigation will be welcomed by thousands of colored citizens, for they have been the victims of ruthless practices of this group.

Under the present Criminal Code of Pennsylvania any bill contracted for on installment terms that is not paid can usually be placed into the hands of a constable. If this is done the constable is armed with a warrant charging the debt defalter with larceny by bailee.

Homes' Sanctity Violated

Constables and their deputies thus bolstered with bailment warrants have violated the sanctity of homes of colored citizens by crashing in to seize either goods or individuals.

Often resistence is offered on the part of the occupants of the home and when the constable finally makes his arrest, additional charges of assault and battery, interference with constituted law officers and other charges are added to the first criminal charges.

With installment buying a major method of purchase on the part of many colored Philadelphians, many business houses make this type of purchase easy because they use unscrupulous constables as bad debt collectors.

Cortese Heads Inquiry

Assistant District Attorney Americo V. Cortese has been assigned to head the inquiry. He stated that numerous complaints had been received by the District Attorney's office from victims of the practices.

Chief Magistrate James J. Clothier and Joseph J. Cohen, solicitor for the Board of Magistrates, have both pledged co-operation of the minor judiciary.

Each of the above governmental officials said some constables, their deputies and private detective go out of their jurisdiction in the collection business. Some not only go out of their wards but also out of the city.

2-Way Racket Charged

A two-way racket has been associated with the unscrupulous constables charged with brutal treatment. They collect costs in connection with the service of legal papers and arrests of the victims and also collect a commission from unscrupulous store owners.

Each of the 52 wards in the city is permitted by law to have two constables. Edward W. Furia, clerk of Quarter Sessions Court, said there were 75 deputies serving for terms not exceeding six years. There are also 199 private detectives with three-year commissions.

Chief Magistrate Clothier also pointed out that sometimes a warrant is issued on the strength of an affidavit sworn to by an official of an installment house and the constable "holds it over the head" of the purchaser for the duration of the agreement.

CONVICTED Magistrate Ralph F. Knox (right) shaking hands with a supporter in a City Hall corridor yesterday after being convicted on three indictments involving misconduct in office and fraudulent conversion. He was released on $1500 bail.

Church Set Afire by White Vandals

Williams AME Zion Officers Had Begged in Vain for Police Guard

PHILADELPHIA

One of the most shocking acts ever conceived in the name of bigotry was perpetrated last week by yandals who deliberately set fire to a South Philadelphia church edifice to rout its new colored owners.

The church, located on Wharton St. below 6th, formerly housed the St. John's Lutheran congregation. It was purchased two weeks ago for the congregation of the Peter Williams AME Zion Church.

Late Thursday night, the vandals, believed to be youngsters acting under adult encouragement, broke into the building, doused a small first-floor auditorium with oil, and set it afire.

Damage Fortunately Limited

The property, costing $35,000, included the church proper, on the corner of Reese St., an adjacent two-story parsonage, a three-story apartment house on the corner of Fairhill St., and a one story garage which faces on Fairhill St.

The arsonists broke into the garage, crossed the small yard which encloses the back of all the buildings and smashed the lower auditorium window, building the fire in the auditorium. The oil can was found in the yard.

A deep hole was eaten out of the floor by the flames; and an equally large area was destroyed in the ceiling, but the damage did not reach the main auditorium on the second floor.

Downstairs, a piano which had been left in the church was destroyed by flames; and another instrument, brought in the day before by the new owners, was badly scorched, probably beyond repair.

Floor, Hallway Water-Soaked

The entire floor and the connecting hallway were completely water - soaked by firemen, summoned by a passer-by, but there was slight damage from smoke or water elsewhere.

The property had been vacated a few days earlier, but in that time, several windows in the edifice's apartment house had been broken; and a large assortment of rubbish, thrown over into the side and rear yards.

Bisnop C. C. Alleyne, prelate of the Philadelphia - Baltimore District, said that some protest had been expected from the Italian-Catholic residents of the area, but that he was "shocked to discover that racial or religious prejudice could move any group to the deliberate desecration of the House of God."

The transaction was negotiated by Lenerte Roberts, West Philadelphia realtor, who said the former owners and new owners had urged police vigilance during the transfer of the property, but had not been able to obtain a police guard until the day after the fire.

The AME Zion congregation, housed for the past three years, conducted services as scheduled, in the new building all day Sunday. The Rev. A. P. Jenkins is pastor, the Rev. Edwin Kenny, presiding elder.

Neighbors showed a great deal of curiosity, as they did on last Wednesday, when one resident inquired if the new owners were of Father Divine's organization.

Ted Spaulding, Jr. Accused in Murder

PHILADELPHIA

Theodore A. Spaulding Jr., 17, son of Mr. Spaulding Sr. who was a Republican candidate for Congress in the Fourth District last year, on Saturday morning was ordered held on a charge of murder in Juvenile Court.

Young Spaulding was arrested Friday afternoon in connection with the death of a man who was helping the family to move into its new home at 131 W. Hortter St., Germantown.

Police said the youth told them the victim, Jacob Rice, 83 of 1235 N. 17th St., had made improper advances to him and when he found himself unable to cope with the older man, he took the weapon from a drawer and shot Rice in the chest.

Shooting At Old Home

The shooting took place on the second floor of the Spauldings' old home on Master St. near 20th St.

The elder Spaulding, a former president of the Philadelphia branch NAACP, was at the family near Wildwood, N.J. when the tragedy occurred.

Rice was one of a group engaged in moving the Spaulding household to its new home. The others helping in the moving were outside when the shooting occurred.

Grandfather Present

On the first floor were the youth's grandfather, Joseph Trent, and a maid, Anna Marie Thompson.

After the shooting, young Spaulding ran downstairs and his grandfather summoned Dr. Norman, a physician living nearby.

Rice was taken to St. Joseph's Hospital where he was pronounced dead.

A Bad Example For Children

Four persons, including the dean of Allen University, two ministers and a bank bookkeeper were sentenced Friday on charges of conspiracy to defraud the state of South Carolina by selling answers to examinations for school teachers. First and last, some 1,200 white and colored persons were involved in the nearly two year's probe of selling examination keys.

One of the four teachers received a sentence of one year in prison and a fine of $2,500; another was given five years at hard labor, while one minister was given a year, to be suspended on payment of a $300 fine, while another minister received one year, to be suspended on payment of a $200 fine.

If the charges against these persons are true, there is no reason why any person sincerely interested in the Christian Education of youth should spend anytime in regrets that the men had to be sentenced. The men simply do not belong in a class room, neither do the two ministers belong to the pulpit. And the sooner the day comes when our schools and churches refuse to condone or tolerate moral delinquency the better it will be for all of us.

We can understand how a person or a teacher may wish to make a good showing, whether it be in passing an examination or in making a public address or in any other of a thousand other areas. We can appreciate the fact that teachers may seek to raise their salaries by making better marks on examinations. But, any teacher or any person, man or child, who is not willing to achieve their goals by hard work is not worthy of the public's confidence. For the Bible itself has spoken on the subject of honesty when warning against anyone trying to enter the Kingdom other than through the 'straight gate,' for the same is a thief and a robber. In a very real sense, a teacher who is permitted to instruct young people with such a record for misgiving is a robber of our young peoples! There is no point in training up a generation of young people without the fundamental of Christian education. Let the teaching profession purge from its ranks those who do not exemplify its highest ideals. The medical profession would not tolerate within its ranks a member who is so convicted. Neither would the legal profession. Teachers and preachers ought to set up standards by which to operate and insist upon adherence to them.

Teacher Examination Scandals

Clear Ex-Dean In S.C. 'Cheatings'

COLUMBIA, S. C.—(ANP)—G. E. Nelson, former dean of Benedict College here, Saturday was cleared of all charges of distributing illegal keys to teachers' examinations in South Carolina in 1948 and 1949.

Along with Robert C. Dean, former Aiken County School principal, and Jack Williams, former Benedict football coach, Nelson had been indicted for conspiracy to commit a fraud upon the State of South Carolina.

WILLIAMS CONVICTED

Dean has not yet been tried on these charges, but Williams already has been convicted. Hundreds of Negro teacher in South Carolina, however, have lost their teachers' certificate because of their alleged use of keys.

Teachers' examinations determine the salaries for instructors in this state. An estimated one thousand colored teachers were said to have acquired their jobs by using fradulent keys to the exams.

It took the jury five hours finally to declare Nelson innocent. The jury originally said it believed Nelson guilty, but that evidence in the trial did not prove his guilt. Circuit Judge G. Duncan Bellinger told them evidence must prove Nelson guilty "beyond a reasonable doubt." The jury then found him not guilty.

DENIED ALL CHARGES

Throughout the trial Nelson proclaimed his innocence. On the witness stand in his own behalf, Nelson denied all charges.

In testimony for the prosecution, both Dean and Williams said they had obtained information concerning the tests from Nelson. Dean said he had obtained an answer key, and Nelson said he had received materials to be used on the tests.

Nelson told the Court of his forty years' experience in education, including twenty-three years at Benedict. He had been a state examiner for tests since 1944, and he also taught teachers techniques of the tests. He told the Court how he handled the tests and how he, himself, did not know what was in them.

Judge Bellinger sentenced A. T. Butler, Daniel Thompson and Henry J. McKnight to three months, with suspended sentences and a probation of five years each. McKnight's certificate was revoked and he was fined $500. The suspension of his sentence depended on the payment of the fine.

The Case of McCray

John H. McCray, the two-fisted, courageous editor of the Columbia (S.C.) Lighthouse and Informer, was finally released from jail Monday. He put up a $1500 bond pending an appeal of his unprecedented conviction at Newberry, S.C.

He was arrested without warrant, thrown in jail, denied bond and held five days without a hearing. The charge was violation of his probation. For this he was sentenced to serve 60 days in jail.

The conviction of Mr. McCray is but another chapter in the long running battle he has waged with recalcitrant Dixiecrats to win first-class citizenship for all South Carolinians.

For writing a death-house interview with Willie Tolbert Jr., back in 1949, Mr. McCray was indicted on charges of criminal libel, haled before a backwoods judge, fined $5000 and placed on probation for three years.

To keep the record from looking so bad, Doling Booth, a reporter for a wire news service, was indicted at the same time. McCray was rushed to trial. But for some reason, the State has never yet found time to press its case against Booth.

From where we sit, this last chapter in the McCray case has all the earmarks of a not too thinly disguised attempt on the part of irritated South Carolina officials to silence this man's thunderous voice.

It is as reprehensible as the police state methods used by Czechoslovakia in jailing William Oatis on trumped-up spy charges.

The State Parole and Probation Board accused McCray of making a trip to Chicago last October without first securing the board's permission, a violation of his probationary sentence.

Strangely enough, the board was not moved to act until ten months later and then only after Mr. McCray had editorially criticized the desperate efforts of Gov. James Byrnes to bolster the system of segregated schools in face of an expected Supreme Court decision outlawing them.

And in acting, the board set a new precedent in bringing a probation violator to trial, vigorously prosecuting him and demanding that he be given a humiliating jail sentence.

It was harsh and unheard of action even for South Carolina.

It will be extremely difficult for South Carolina officials to dispel the belief that this prosecution was not beclouded by unpleasant political overtones.

We believe it was and so will the rest of the world.

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Mc Cray Jailed For Leaving The State

COLUMBIA, S. C. — (SNS) — John H. McCray, editor of The South Carolina Lighthouse and Informer, was jailed Wednesday for alleged violation of probation.

McCray was under suspended sentence for criminal libel in connection with by-lined stories on interviews with Willie Tolbert, Jr., who was electrocuted in October, 1949 after conviction for criminal assault upon a white woman of Greenwood County.

Tolbert's version of the assault differed in details from that given by the victim during the trial. Tolbert had not testified in Court. McCray's story was based on statements from Tolbert's lawyer and Deling Booth, an Associated Press representative, who also was indicted along with MrCray.

On advice of council, McCray last June 23, pleaded guilty to the charges and paid $3,000. The judge ordered sentence of one year imprisonment and a $5,000 fine, the balance to be suspended upon payment of the $3,000 and effectuation of three year's probation.

Booth, the Associated Press reporter, has appealed his indictment through the lower courts to the State's Supreme Court, where it now rests.

Spokesmen of the South Carolina's Probation and Parole Board said that Editor McCray violated his probation by leaving South Carolina.

Questioned as the new jail order, an Atlanta lawyer gave the opinion that the order was "very harsh" and that such violations are invoked "once in every thousand cases."

S.C. Teacher Fights Cheating Conviction

Willard Hightower Pleads Fraud Indictment Before Ga. High Court

COLUMBIA, S.C. — The Rev. William H. Hightower of Aiken, S.C., who is also a school teacher, has retained B. E. Nicholson of of Union, S.C. and Edwin H. Cooper of Columbia, both white attorneys, as his defense counsel in asking the State Supreme Court to set aside his conviction on a conspiracy charge in connection with cheating by school teachers in 1949 certification examinations.

The Rev. Mr. Hightower contendded that the State did not prove he conspired with any specific person to obtain and distribute fraudulent answer keys allegedly used by several hundred teachers.

He was convicted of conspiracy to defraud the State in an Edgefield County trial last year. He was sentenced to two years.

First Case

The appeal by the Rev. Mr. Hightower is the first to be brought to the State Supreme Court on the issue of conspiracy in the teacher cheating cases.

Opening the argument, Mr. Nicholson declared that the indictment against Hightower was defective in alledging that he conspired with "persons unknown" to defraud the State. The lawyer said the Rev. Mr. Hightower was "led blindfolded to the altar" by the indefinite wording of the indictment.

Nicholson further contented that the Circuit Court erred in refusing to throw out the indictment and in overruling a motion for a directed verdict of not guilty.

Jeff D. Griffith, the State's Attorney declared that the indictment adequately put the defendant on notice as to what his would be.

The prosecutor described the teacher affair as a "gigantic and far-reaching conspiracy" in which the names of all the alleged offenders are known.

By State Department of Education records, Mr. Griffith said, more than 800 teachers have been shown guilty of using fraudulent answer keys in 1949 to make higher grades, obtain higher certificates and make more money.

He maintained that for this year alone, the cheating, if not detected, would have cost the State $180,000 in higher salaries. He called it "one of the greatest conspiracies ever formed in South Carolina to defraud the State.

Mr. Cooper, the Rev. Mr. Hightower's second counsel, insisted thatthe fact that 800 teachers had been found guilty did not justify the indictment of the Rev. Mr. Hightower in a general conspiracy.

Officer hides in store, slays would-be bandit

MEMPHIS, Tenn., March 29—(AP)—A policeman hidden inside an often-robbed liquor store last night shot and killed a Negro who slugged the clerk with a brick and snatched money from the cash register.

Corp. Maurice Coats said he was hidden on a balcony inside the store when the Negro entered, ordered a bottle of wine, and felled 65-year-old Mrs. John Sansone as she stooped to get the bottle.

CLOTHING LOOT NOW $1100

Two Negroes Held In Thefts From Downtown Store

The value of clothing which a Negro maid at Lynn's Inc., 42 South Main, is charged with stealing over a six-year period, rose to $1100 yesterday with recovery of an additional $300 in clothing, police said.

Lieuts. W. H. Ragsdale and G. E. McCarver said they found the clothing in a Memphis cleaning establishment.

The maid, Frances Margaret Mason, 26, of 988 Lenow, and a Negro elevator operator in the South Main building, were held to state action Tuesday on larceny charges growing out of separate thefts from the store. Both denied the charges, but police said they have confessions from the two, in which the man, Hiram Marshall, 33, of 30 Bing's Alley, admits stealing $96 worth of clothing recently. The two were operating separately, police said.

The arrests came after police investigated a complaint of Eugene Lerner, owner, that the thefts had been occurring. Mr. Lerner had found $96 worth of clothes Monday, hidden on the fourth floor of the building. Officers said they gained a confession from Frances that she had been stealing clothes, but a denial that she took the $96 worth. Further checking disclosed Marshall had been sleeping in a vacant fourth floor room. He confessed he hid the clothes there, police said.

Assault On Negro Costs $100

Luther E. Clemmer Jr., 30, of 598 Eastern Drive, was fined $100 by Judge Sellers in Criminal Court yesterday on his guilty plea to attacking a Negro workman last May. Mr. Clemmer struck the Negro, Willis Cumbus of 1617 Brookins, during an argument at a house which Mr. Clemmer and his father were building, according to Phil M. Canale Jr., assistant attorney general. He hit Cumbus with a level, crushing his ankle and cutting his arms, Mr. Canale said.

Caretaker Who Beat Boy, 12, To Be Fired

KNOXVILLE, Tenn. — A caretaker who beat a 12-year-old boy at the Knox county home for dependent children until "the blood came" will be dismissed from his job.

William Maynard, county welfare director, said last Wednesday that the caretaker, W. P. Ware, whipped the boy "unmercifully."

The boy, identified as Carl Pope required medical treatment after having been beaten by the caretaker.

Maynard commented: "Ware said he whipped the boy for stealing a $20 bill from him. I don't care what the kid did, he didn't deserve to be beaten."

MISTRIAL IS DECLARED IN EVANS MURDER CASE

Negro Is Accused Of Killing His Own Daughter

A Criminal Court trial of a Negro accused of murdering his daughter ended yetserday in a mistrial. The jury was unable to reach a verdict after more than five hours' deliberation.

Judge Sellers retired the jury at 9:50 p.m. Tuesday, ordering them to resume deliberations yesterday on the guilt or innocence of Gilbert Evans, the 46-year-old Negro, who already is on parole from another murder conviction.

Evans is charged with the murder of Helen Elizabeth Evans, 17, of 1548 Orr, because she refused to continue intimate relations with him. The state charged the father forced his attentions on his daughter. Her body was found last July 24 in a field off Chelsea near the Quaker Oats plant. A hole in her skull was caused by either a blunt instrument or a bullet, the state charged, but because of the condition of the body the exact cause could not be determined.

Evans was accused in 1934 of giving a Negro woman strychnine, which he had concealed in a bottle of liquor. After she swallowed the poison, Evans refused to get her medical aid. He was found guilty and sentenced to life, but was paroled in 1948.

Greenfield Poll and Braxton Gandy, of the attorney general's office, prosecuted the case. Hugh Stanton, public defender, assisted by Ed P. A. Smith, defended Evans.

Row Over Color Of Slayer's Wife

HOUSTON, TEXAS — A dispute shaping up over the racial identity of a young woman married to a Negro threatens to overshadow his forthcoming trial on charges of slaying a white bus driver here last week.

The young woman is 22-year old Christine Skaritka Morris, now being held in jail on charges of miscegenation as a result of being married to Johnny Lee Morris, 23.

In Texas intermarriage is a crime punishable by two to five years in jail.

Her husband to whom she was married in Reno, Nevada in August, is being held on a similar charge as well as charge of murder in connection with the

JOHNNY MORRIS

slaying of the bus driver, Florian Antone Nowak, 30.

While the state contends that Mrs. Morris is white and therefore cannot legally live with her husband in the state, Morris told reporters who visited him in jail that she's colored by her own admission.

Morris quoted her as telling him before their marriage that she is part Negro and part Czechoslovakian. Police would not permit reporters to talk to Mrs. Morris.

Discovery of the couple that had just moved here from California accidentally solved the murder of the bus driver.

Deputy Sheriff Alvin Baker, a Negro, had received a report that a Negro and a white woman were living together in a one-room apartment. When he, Sheriff C V. Kern, and another deputy went to investigate they found Morris and his wife, in bed.

The brown-haired woman's first reaction was to show a certificate of her marriage to Morris in August. They had married in Reno, following a three-year friendship which began in New York in 1948, and ended last summer when Morris met her again in California.

Both were taken to the Criminal courts building.

The slayer had dropped a gray felt hat bearing a San Francisco store label. When the stub of a San Francisco movie ticket was found in Morris' pocket during a routine search he was questioned about the killing. Morris then admitted that he killed the bus driver in self defense.

Five of the 14 persons who saw the eary afternoon killing have identified Morris as the slayer. The other witnesses have not seen him and no one has been allowed near his wife.

A bloody undershirt was found in his apartment and he showed officers where he had hidden the yellow jack-knife he had used to kill Nowak.

In a written statement Morris said he came to Houston October 4, at the suggestion of his wife and found a job with the Wollford rice warehouse. His wife returned to California he said to bring back clothing she had left there, while he arranged with his employer to get off from work that fatal Thursday so he could move their belongings to a new apartment.

In an oral statement he said that when he returned from work that day he found a Western Union notice that a telegram was waiting for him at a downtown office. He washed his face and started back to town.

CHRISTINE MORRIS

He continued that while waiting for a bus "I saw a tall white man also waiting. When the bus stopped and I started to get on, this white man pushed me back. He got on and I followed, giving my transfer to the driver. The white man said something to me as I started back but I didn't understand what it was.

"The bus driver then said to me, 'Here is your transfer. Get on another bus.' I started to get off the bus and when my back was turned the bus driver kicked or pushed me, knocking me down.

"I then got up, reached in my pocket and pulled out my knife. We scuffled on the floor and when both of us got up he started at me and as I met him, I stuck him one time."

A group of local citizens has started a move to secure counsel for Morris, with Percy Foreman, Galveston lawyer, to head his defense.

According to Miss C. B. Dadair, executive-secretary of the local NAACP, the NAACP and the citizen's group are trying especially to prevent this case from being exploited by Communists since Dist. Atty. Sam W. Davis has remarked that he "would not be surprised if Communists or Communist-inspired groups injected themselves into the Morris case in an attempt to make it a celebrated issue."

TOP JOBS DONE

Negro Gang Next On Officer's List

Capt. Will Fritz said Thursday his homicide bureau's immediate task was the capture of a small gang of Negro liquor and ice-store bandits, now that two top priority jobs are over.

These jobs were the capture of escaped Convict Ernest Bland, 36, who has robbed nearly a dozen grocery stores in Fort Worth and Dallas getting some $12,000, and the capture of the four men responsible for shooting two Dallas officers.

The Negro armed robbery team, who sometimes use handkerchief masks and operate with one, two or three men at a time, are believed to be the ones who have held up seventeen Dallas liquor, grocery and drugstores since Dec. 16, 1950. Total cash loss is more than $2,500.

On that day, two Negroes (or three, one witness said) held guns on an elderly couple, Mr. and Mrs. W. E. Spencer, owners of the Ross Hall Pharmacy, 3239 Ross. The bandits beat their two victims before escaping with an undetermined sum of cash.

Two more robberies were reported in December pulled by men who fitted the description of the robbery gang's operation. They were the McKinney Package Store, 2506 McKinney, on Dec. 18, where $60 was taken by two Negroes, and the Southern Made Doughnut Company, 3250 Ross, on Dec. 21, where three Negroes got $85.

First one of 1951 was at the Liquor Chest, 2813 Live Oak, on Jan. 1, where two masked men got $100 at gun point. One masked Negro held up the Stopper Shop store, 3236 McKinney, the next night and fled with $400 in cash.

The Cregler Package Store, 1829 Allen, was robbed by one Negro man of $50 on Jan. 9 and a single Negro bandit struck the Crystal Ice Company No. 3, 3415 Oakland, and got $110 on Jan. 10.

Two armed robberies by a pair of Negroes were reported on Jan. 12. One was at Mike Raspante's liquor store, 4604 Oakland, which lost $115, and the other at the Goodnight Package Store, 2429 San Jacinto, where $20 was taken.

Two 7-Eleven Stores were robbed on Jan. 13 and 14. Two Negroes with masks held up the store at 4901 Cole the first night and got $58. The next night one Negro hit the store at 2332 McKinney and escaped with an undetermined amount of money.

Two stores, one a liquor and the other a drugstore, were hijacked on Jan. 16. Two Negroes held a gun at the Midway Liquor No. 1, 1414 South Industrial, and got $306, and one Negro robbed the Ross Avenue Drug, 2700 Ross, of $305 during the afternoon.

Another 7-Eleven store and the Gulf Fish & Oyster Company, 911 North Good, were robbed on Jan. 19. Three Negroes came in the 7-Eleven Store, 936 East Eighth, struck an employee, and got an undetermined sum of cash. The fish firm lost $300 to two Negroes.

Latest reported armed robberies were both the night of Jan. 23, in which Negro bandits wro fitted the description of those in these previous holdups took part.

The ABC Liquor Store, 1616 Hall, was robbed of $110 by two Negroes, and the Warehouse Liquor Store, 4340 Harry Hines Boulevard, was held up by three Negroes who took $500.

Homicide detectives have questioned more than a dozen suspects and plan to quiz more in the next few days. Not all these robberies can be definitely attributed to the same men, Captain Fritz said, but the general description of the bandits and their method of operation are the same.

The majority of them happened in the northeastern part of the city, not far from the downtown district.

Montgomery Negr Pastor Is Fined On Child Assault

Special To The Advertiser

FARMVILLE, VA., June 18—The Rev. Vernon Johns, Negro, pastor of the Dexter Avenue Baptist Church, Montgomery, has been fined $100 and given a six months suspended sentence here for assaulting a Negro child, according to Trial Judge J. F. Lewis.

Lewis did not identify the child. He said the Negro boy was brought to a farm near here from Montgomery, by the Rev. Johns to cut some pulpwood, and that he was "under 5 years of age."

"Testimony brought out at trial showed that Johns kicked the boy down and hit with his fists," Lewis said. ... said Johns was given 10 ... to pay the fine ... that to date, the fine has been paid.

13 White Men Plead Guilty To Beating Negro

GREENWOOD, S. C., Feb. 12—(AP)—Thirteen white men Monday pleaded guilty to charges of criminal conspiracy in the beating of a Negro Dec. 5. The Negro's son, who shot another white man to death during the incident, was freed.

Circuit Court Judge T. B. Greneker sentenced 12 of them to a year in prison or a fine of $600, the balance of the sentence to be suspended when the men pay $200 or serve two months.

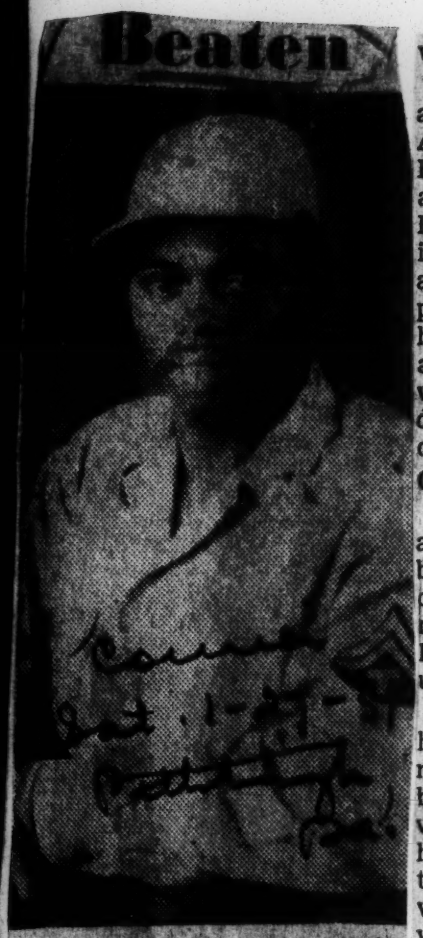
One of the defendants was given a suspended sentence and placed on probation for two years after authorities testified he had given them complete details of the incident.

7 Negroes Jailed In Eufaula Case

EUFAULA, ALA., Oct. 6 — Seven Negroes have been arrested and are now being held in the Phenix City jail in connection with the brutal beating and robbery of George Wynn, 41, white man who operated a service station and store on the Eufaula-Columbus highway, just over the Barbour-Russell county line, 16 miles north of here. Mr. Wynn is now in a serious condition at Salter Hospital where he was given two blood transfusions.

The last three arrested were Eddie Lee and Alexander Parker and James Lee Everett, all residing out on the highway.

Beaten



SGT. HERBERT BRADSHAW
... victim of mob beating

Snatched From Car

GI Victim Of Dixie Mob Rule

(Special to The Courier)

WASHINGTON — Mounting atrocities and terror tactics against armed forces members training in Southern areas, last week drew a strong protest and demand for investigation of verified acts of this type against colored personnel from the Washington bureau of the NAACP.

The latest reported incident reaching the NAACP was the wanton beating and terrorizing of Sgt. Herbert Bradshaw of Cincinnati, in the town of Brownsville, Tenn., on Thursday, Jan. 4.

En route to Sampson Air Base at Geneva, N. Y., from Lackland Air Base near San Antonio, Tex., Bradshaw was taken from an automobile on a main street in Brownsville, forced at gun point into the backroom of a building and there in the presence of four policemen with guns drawn on him submitted to a brutal beating at the hands of a civilian who wielded a pop bottle. Other unidentified persons also joined the outrage.

COLLISION AVERTED

The incident leading to the atrocity was verified in affidavit by five companions of Bradshaw, one of whom was white, and all members of the armed services. Bradshaw, however, was not in uniform.

The car in which Bradshaw and his companion were riding had narrowly escaped being struck by one driven by an unidentified white man, who proceeded to hurl vile epithets at them and then drove several blocks ahead where he recruited some other whites.

The servicemen's automobile was pelted with bricks and stones, forced into a dead-end street from which it had to return, and upon returning was met by a patrol car with an officer and several whites.

THREATENED

During the tirade of insults including the usual "black s. o. b." common to the South under these conditions, the colored soldiers were told they were in a "white man's country." The white serviceman fared no better for traveling with the colored soldiers.

It was after this that Bradshaw was taken from the car at gunpoint, forced to accompany the men into a building and thereupon given a brutal beating in the presence of four armed policemen and a number of other armed persons.

After a period of this brutalizing, when it appeared to them that their victim had not been badly beaten enough, he was forced to lie on the floor of the room and there given another going over with feet, fists and gun butt.

CHASED FROM TOWN

Bradshaw's beating was not administered in the presence of his companions who were forced to remain some distance from the "Bronsville torture chamber." The evidence of his ordeal he brought back to them on his persons. And he did not come back walking or limping . . . he was forced to run to the car in which his fellow soldiers were waiting and there the group was told to "get out of town in a hurry."

The five servicemen reported to the Washington office of the NAACP that their car was followed by the armed mob in another automobile about five miles out of town. They were able to identify none of the hoodlums or officers. Bradshaw first reported the incident upon arrival in Cincinnati.

Travelling with him were Pfc. Henry Holloway of Philadelphia; Corp Howard Hankins of Charleston, W. Va., and Pfcs. Phillips of Philadelphia, Pilazzo of Maine and Jackson of New Jersey.

OTHER INCIDENTS

Protest on the incident and demand for an investigation was made through the office of Clarence Mitchell, director of the Washington NAACP Bureau, to Eugene M. Zuckert, Assistant Secretary of the Air Forces, Department of Defense.

In his letter to the Assistant Secretary of the Air Forces, Mr. Mitchell pointed out that there has been a recurrence of these incidences throughout the South and the gravity of the situation is demanding immediate and positive action for corrective measures.

13b 1951

(Alabama) (Colorado)

Colorado governor refuses to extradite accused Alabamian

The governor of Colorado has refused to extradite a Negro charged by Huntsville authorities with second-degree murder and arson, the Associated Press reported.

In refusing to release the man in Denver, Gov. Dan Thornton, of Colorado, said he "was very critical of the governor of Alabama, or anyone else who had anything to do with drawing these papers."

"I'll never be a party to railroading any member of the Negro race back to the South on such flimsy charges as this," the governer was also quoted in the AP dispatch.

THE GOVERNOR of Colorado added that from the evidence he obtained "the case appears to be accidental and no intent of murder whatsoever is shown."

The defendant is named in the extradition papers as Dan Choate but he gave his name in Denver as Dan Choatz, the report said. He was charged with second-degree murder and arson because of the death of his wife, Orethea, from burns suffered in a fire at Huntsville, June 3, 1950.

Gov. Thornton said he had obtained a death certificate showing that the woman died at Dayton, Ohio, last June 15 and that the cause of death was listed as accidental burns.

The defendant, according to an affidavit signed by his mother-in-law, stated the man suffered burns himself when he carried his wife from the house. He then took her to a hospital in Tennessee, the affidavit said.

Michigan Judge Refuses to Return Father of Twelve

By FRANK WHISONANT
(Courier Staff Writer)

DETROIT—A former Alabama sharecropper, father of twelve children, rested a little easier this week when a Detroit judge refused to recognize Alabama extradition procedure and released him from custody.

A justice of the peace in Autaugaville, Ala., had written a letter to the Wayne County Sheriff stating that he wanted Manville Love of 2025 Taylor, arrested as a fugitive from Alabama, and his wife, Annie Bell Love, for conspiracy in aiding Love to escape.

JUDGE CAUSTIC

Detectives Clarence Oliver and Henry W. White of the Sheriff's office arrested Love and took him to court on the basis of the letter. A circuit judge refused to honor the letter and ordered Love released. The judge commented that the Alabama authorities should have sent a warrant if they wanted Love arrested and extradited.

Love is wanted in Alabama mostly by his former sharecropping boss, Lindon Lespot, who had Love arrested when a barn containing most of 1949's harvested crop burned down.

When Lespot learned of the fire, Love said, he came to Love's home and demanded that everything which was not burned up in the fire be handed over to him. To do this, Love explained he would have had to give away a tractor which he had not finished paying for. The man from whom he was buying the tractor, seeing that Love was not able to finish paying for it, repossessed the machine. This angered landowner Lespot, Love said, and caused his arrest.

The local sheriff locked Love up on the word of his boss that Love had done away with property on the farm which the landowner thought should have been his. Mrs. Love, who had her twelve children, ranging in age from six months to 21 years, left the farm and sought employment to get money for her husband's thousand-dollar bond.

She was hired by Judge John Dickson, who promised to pay her five dollars per week to cook, wash, scrub, iron and feed him. (He was afflicted and could not move his arms, she said.) At the end of ten weeks her employer had given her only fifteen dollars. "Whenever I asked for my pay at the end of the week, he also said he didn't have time," she said.

"I finally wrote to one of Manville's relatives in Pittsburgh and got fifty dollars, which was enough to get my husband out on bond," Mrs. Love stated, "but about the middle of December (1949) they came back and took him back to jail. This time I got another job to get money so I could get him out, but I could not make enough, so I wrote to some more of his relatives and asked them to help us out. They sent the money."

DOUBLE TALK

The hard-working woman said that as she went around trying to get money for her husband's freedom, one of the townspeople approached her and told her that the best thing for her to do was to let her husband go on to Kilby Prison (mentioned in Haywood Patterson's "Scottsboro Boy" book) and do his time, and she could come to his home and work for him.

This particular man, Mr. Love said, had been telling him that he was going to try to help him get out of the "trouble," but was telling his wife something different.

After getting out of jail the second time, Love said he could not find employment amongst the other landowners. They all thought he should go back and work off his debt to Mr. Lespot.

"I couldn't find anyway to get food for my twelve children. Mr. Lespot had taken five heads of hogs and all the corn and peanuts after the fire," Love said, "so I just made up my mind to leave Alabama.

DENIES SNEAK-OUT

"I didn't sneak out of town. I walked right past the sheriff's office and caught the bus and rode to Montgomery. In Montgomery I caught another bus for Detroit. Since I've been in Detroit (July '50) I have gotten a job at an automobile plant which pays me almost as much in one hour as I used to make on the farm in a twelve-hour day. I didn't know people could make so much money.

"People here in the North say prices are high, but I don't think they are any higher than they were in Alabama, and another thing, here, you get better things for your money than you do in the South.

"I am here in the North to do the right thing, I am not hiding. I have always written back home to my relatives and friends and given them my address. If Alabama wants me they can find me at home anytime after 6 P. M. If the Detroit judges send me back to Alabama, I'll go, but I want the world to know that I would rather be in prison in the North than to go back to the South even on a pleasure trip."

(Alabama) (New York)

Convict at 14 Faces 100-Year-Term Again

Willie Thomas (Wesley Mallory) who faces extradition to Alabama, has a brief reunion with his three-year - old son, Wesley Jr., in police court in Albany, N.Y. Sentenced at the age of 14 to a 100 - year - term for a $67 robbery, Thomas escaped from an Alabama prison farm in 1945 after serving 11 years of the sentence. Governor Thomas E. Dewey, who signed extradition papers for Thomas, has been asked by Thomas' attorneys to reconsider his action and grant a hearing. They contend the sentencing of a 14-year-old boy to 100 years in prison was "cruel and inhuman." Thomas, who is married and the father of four children, has been employed in New York for six years as a steelworker. He was arrested several weeks ago on a charge of public intoxication and his fingerprints revealed him as a fugitive.

Governors Have Hearts

Escaped Prisoner Given New Chance

His Return Trip to Alabama to Serve Out 100-Year Prison Term Cancelled After Fight by Lawyers

ALBANY, N. Y.—Thanks to the kind hearts of two Governors and a local firm of lawyers, Willie Thomas, 33—known back home in Alabama as "Wesley Mallory"—will not have to go back to Alabama to finish out a 100-year prison term given him when he was only 14 years old. It is a touching story . . . this story of the Governors and Willie.

Gov. Thomas E. Dewey of New York had already signed papers extraditing Willie to Alabama, after his identity as Wesley Mallory had been uncovered when he was arrested on a drunkenness charge and fingerprinted. But Willie had a number of things in his favor here and they all paid off in his finally becoming a free man to join his wife and three children . . . and the fourth expected next February.

News of Thomas' plight appeared in local papers where members of the local law firm of Blodgett, Kampf and Lynch read it. They were touched because the story told how Willie had made a model citizen, husband and father of himself since he escaped from the Alabama prison where he had served ten or twelve years.

The law firm decided to do something about it.

They went to Governor Dewey and told him of the situation: Willie had married, had three children; his wife was expecting another; he had gotten jobs and had held them, finally joining an A. F. of L. union and going to work for the Allegheny Ludlum Steel Company at neighboring Watervliet. His record was good. He was buying a $6500 home here.

He deserved a chance, they told Governor Dewey. Donald L. Lynch of the firm wrote an appealing letter to Governor Dewey. The New York chief executive read it carefully and then sent a letter to Gov. Gordon Persons of Alabama asking that the Alabama Governor reconsider the case.

Governor Persons, too, had a heart and he answered Governor Dewey's request by recalling the extradition request which he had made for Thomas, otherwise "Mallory." And last week, Thomas otherwise "Mallory," went home a free man, and his wife and children are happy.

"He deserves a chance," the New Yorkers told Governor Persons. "He has already served enough time for the crime he was accused of (theft of $70) and should be free," said Governor Persons. Today, Willie Thomas is free, thanks to two governors and a big-hearted firm of lawyers in this city.

Free and Happy—Wesley Mallory, known in Albany, N. Y., as "Willie Thomas," smiles dreamily with his stepson, John, 15, left; his wife and their three children, Edward (second from left), Jim, 4, and Cleve, 1½ (right), after being freed of a 100-year prison term given him for a $70 theft in Alabama when he was fourteen years old. He had escaped from prison. Two Governors got together and freed him.—INP.

SANTA BARBARA, Calif.—Sylvester Middlebrooks, a fugitive from a Georgia chain gang, lost his fight to remain free here last week when Santa Barbara County officials wired Georgia authorities to "come and get" him.

U. S. Judge James M. Carter, in Los Angeles, revoked a writ of habeas corpus granted Middlebrooks last Feb. 4, thus taking away his last legal defense. His extradition was then ordered.

Gov. Persons explains why he decided to let Negro go free

MONTGOMERY, Ala., Nov. 29—(AP)—Gov. Gordon Persons said yesterday he decided to let an escaped Negro convict go free because he felt the man was too severely punished and had served enough time.

The comment came in explaining why he dropped extradition proceedings against 33-year-old Wesley Mallory, who has been held in Albany, N. Y., since Oct. 29 as a fugitive from justice.

Persons said his action followed receipt of a letter from New York Gov. Thomas E. Dewey advising him the Negro had become a good citizen since his escape from Alabama in 1945.

The Alabama chief executive said a check of the records showed Mallory was "very young" when given a life sentence for robbery in Baldwin County in 1934. (Kilby Prison files give his age as 17 then).

FURTHER, PERSONS said, the Negro "apparently received an excessive sentence in view of the fact that the average prison term for robbery is generally from five to 10 or 15 years."

Besides that, he added, Mallory served 11 years and "under normal procedure would have been eligible for parole."

In a telegram to Persons, Dewey said that he regarded the decision as "wise and just."

When told of Person's action, Mallory said he was "pretty well tickled by the whole thing." Mallory, who has three children, is buying a home here.

MALLORY WAS sentenced in 1934. After serving 11 years, he slipped away from a [illegible] guarded Alabama prison farm. Shortly after leaving the prison camp in 1945, Mallory was married in Florida.

Mallory came to Albany five years ago and worked in a steel mill under the name of Thomas.

He was arrested Oct. 13 on a charge of public intoxication and given a suspended sentence. However, he was re-arrested when a routine fingerprint check revealed he was wanted by Alabama authorities.

On Nov. 9, Dewey signed extradition papers for the fugitive's return to Alabama. Eleven days later he wrote a letter to Gov. Persons describing Mallory's life in Albany.

Dewey told Persons it had been his practice to honor all extradition requests, but that he thought the additional information about Mallory should be brought to the Alabama governor's attention.

Mallory's family said left-wing groups had offered legal aid. The aid was rejected, the family said, because it came from what the family termed "subversive groups who were offering it because of selfish political reasons."

Court Sees No Grounds For Lynching Fear

PHILADELPHIA (NNPA) The legal fight to prevent the return of Fletcher Mills, 24-year old former Alabama sharecropper, to his home state to face trial for stabbing his landlord six years ago, is headed for the United States Supreme Court.

The Third United States Court of Appeals last Thursday ruled that Mills must be surrendered to Alabama authorities. It dismissed habeas corpus proceedings.

In an opinion filed by Judge John Biggs, Jr., Harry E. Kaloder and William H. Hastie, the court upheld the judgment of District Court Judge J. Cullen Ganey and dismissed as having no merit the contention that Mills would face "danger of lynching or severe bodily harm" if he were returned to Alabama or could not obtain a fair trial there.

David Levinson, counsel for Mills, immediately announced he would appeal the decision of the Supreme Court.

The circuit court upheld the Government's contention that Mills fled the jurisdiction of Alabama courts over state lines and therefore was properly subject to the Federal Fugitive Act.

The opinion said the Fourteenth Amendment to the Constitution guaranteed him a trial in accordance with due process of law and that there was no danger of his being harmed or subjected to cruel or unusual punishment.

The alleged assault by Mills, then a sharecropper, occurred near Tuscaloosa, Alabama. Levinson said Mills acted in self defense.

13b 1951 (Mississippi) (California)

Expect Return Of Negro Fighting Extradition Here

Return of a Mississippi Negro to State Penitentiary from California where he has fought extradition, contending he would be cruelly treated in Mississippi, appears probable, the State Attorney General's office announced.

Federal Judge Carter, of Los Angeles, has set aside an earlier order denying California officials the right to turn the Negro over to Mississippi.

Scott, who was convicted of armed robbery in Marshall county while an escapee from State Penitentary where he was sentenced for another crime, was released to the State of California to serve a sentence for a crime committed in that state. The State of California agreed to return him to Mississippi when he had served his term in California.

However, Scott fought return, and upon losing appeals through all the state courts of California and the U. S. Supreme court, carried the matter into the Federal Court.

Judge Carter ordered that Scott not be returned pending submission of proof by the State of Mississippi that Scott would not be mistreated if brought back here.

Scott failed to appear for a hearing before Judge Carter on a motion by the Los Angeles District attorney to set aside Judge Carter's order that Scott not be returned to Mississippi.

Scott's bondsman forfeited bond, and Judge Carter voided his order, and turned the matter over to the U. S. Marshal for apprehension of Scott.

Extradition Asked In Beating Case

JACKSON, MISS., Sept. 19 — (AP)—Illinois officials Wednesday were asked to send Private Detective Charles K. Underwood to Indianola, Miss., for trial on charges of beating from three Negroes a confession to a murder that never took place.

Gov. Fielding L. Wright signed extradition request papers Wednesday after being asked to do so by District Attorney Stanny Sanders.

13b 1951

(Mississippi) (Ohio)

Continue Hearing In Negro Beating Case in Delta

Ari 18-10-51

CLEVELAND — (AP) — A hearing to free Charles R. Underwood, private investigator jailed here in connection with probation violation charges, were deferred Friday until next week to permit extradition papers to arrive from Illinois.

Sheriff Maurie Krolick of Cook county, Ill., asked continuance of the hearing. He said that Gov. Fielding Wright had received word from Gov. Adlai Stevenson of Illinois that the papers were en route.

Underwood was taken into custoday three weeks ago at request of Illinois authorities after his name was widely published in connection with the "confession-beating" case involving four Negroes.

Sunflower county sheriff George Marshall had hired Underwood to investigate a reported killing. The Negroes, later freed when the "victim" was found alive and well, accused Underwood and Deputy Homer Sheffield of brutal beatings.

No charges have been field against Underwood and Sheffield in connection with the beatings, although Sheffield was forced out of his job in the sheriff's office.

Virginia Governor Won't Extradite 79-Year-Old Negro

RICHMOND, Va. — (ANP) — Gov. John S. Battle last week refused to extradite a 79-year-Negro five witnesses failed to identify as the man who is wanted in North Carolina for a 1906 murder.

In refusing to comply to North Carolina request for extraditing Winn, Gov. Battle acted on the basis of a report of a hearing held here in his office May 15.

Assistant Attorney General Thomas M. "Miller" who represented the governor at the hearing, reported that none of the five witnesses brought here for the hearing positively identified Willie Winn as the James Perry charged with the crime.

During the hearing, Winn's counsel, J. J. Williams, presented a decoy as the man sought in North Carolina. Four of the five witnesses said the decoy was the man wanted in North Carolina. The other witness did not identify Winn as Perry.

Winn has denied that he is the James Perry charged with fatally shooting "Baldy" Perry, a white farmer, in Franklin county, N. C. in 1906.

Winn said he has never been in North Carolina and never lived in Franklin County. He added, furthermore, that at the time of the slaying he was living in Pennsylvania.

Coal miner held as suspect—Andrew Lee Smith, 30, Negro coal miner, was being held for the coroner Saturday in connection with a double shooting at Graysville early Saturday. Shown with Smith are the officers who apprehended him. Left to right: Deputy George Lamb, Deputy Troy Tate, Smith, Deputy Sam Arnett and Deputy Claude C. Tate.

Second Officer Shot In Raid Dies In B'ham

BIRMINGHAM, April 22—(AP)—A second officer wounded during a gambling raid died Sunday.

Sam Linn constable in the little mining community of Graysville, succumbed in a Birmingham hospital to a bullet wound in the head.

Graysville Police Chief S. R. Howton, 61, died Saturday shortly after an early-morning raid at a Negro house in Graysville. Both were shot in the backs of the head.

Andrew Lee Smith, Negro miner, was in the county jail here under a murder charge.

Coroner Joe Hilderbrand said Smith signed a statement admitting he fired at the two officers as they left the house. The statement, Hilderbrand said, detailed a night of drinking and gambling climaxed by the shooting.

Chief Howton and Constable Linn had gone to Smith's house to investigate complaints. They arrested nine Negroes, including Smith, and permitted them to sign bonds for their appearance in police court.

Maximum fine on the gaming charge is $20.

The officers then walked out of the house. As they started toward their car, Hilderbrand said, Smith snatched up a pistol and fired. He then leaped into a car and sped off.

All available officers converged on the area and Smith was picked up about four hours later on the outskirts of nearby Bessemer. He admitted firing the shots during lengthy questioning at the county jail, Hilderbrand said.

Officer is shot, Negroes hunted

SCOTTSBORO, Ala., June 11—Alabama and Tennessee officers today hunted for four Negroes, one of whom allegedly shot Ernest Rush, police chief of Hollywood, Ala., in the eyes yesterday.

Deputy sheriffs here said Chief Rush caught the Negroes loading a large amount of whisky into an automobile and tried to arrest them. One Negro, they said fired on the chief with a shotgun. The group fled.

Chief Rush, taken to a Chattanooga, Tenn., hospital and operated on, was reported in fair condition today.

Hollywood is six miles from Scottsboro, in Jackson County.

Deacon Freed By Jury In Preacher Slaying

MONTGOMERY, Alabama — Turner Lowe's trial opened Wednesday morning, 10:20 a. m. with Judge Walter B. Jones presiding. After the usual form of striking the jury, at 10:35 the courthouse was cleared of all spectators standing. Both sides presented their introductory remarks to the jury. The State then called the first witness.

Rev. O. M. Hoover, pastor of Beulah Baptist Church and the husband of Mrs. [illegible], who was at home the night Rev. Landers was killed.

After a few brief remarks as to where he was that night, the State called Mrs. Hoover to the witness stand, and a diagram of the house was presented together with pictures of the interior. Mrs. Hoover recognized all of them and pointed each item out to the jury.

She was then dismissed from the witness stand in order that Dr. M. B. Kirkpatrick, Montgomery's County Coroner could testify as to the man's position when he found him dead.

Dr. Kirkpatrick described the shots as fully as possible. He said the shotgun blast paralyzed Rev. Landers and he died immediately. After he pointed out different angles of the house, he was dismissed.

MRS. HOOVER CALLED BACK TO THE STAND

Immediately after the doctor was dismissed, Mrs Hoover was called back to the witness stand and after she pointed out several diagrams in pictures of the house, she was turned over to the defendant's attorney, who began questioning her 6 minutes until 12:00 continuing until 8 minutes after 1:00. The court then recessed until 2:30 p. m

THE TRIAL RESUMED AT 2:40

The attorney presented several character witnesses. All of them said that Turner Lowe was a good man as far as they knew about him and they never had heard anything bad about him. This lawyer, John McGehee, presented two white character witnesses. One of them was Mrs Ed Goode of 514 Hull St., who headed recreation in this city for a long time. She said that she knew Turner Lowe and had known him for more than 20 years.

He had been one of her employees and the only fault that I found in him was that he used too much of our time working for his church. She was asked whether or not she could trust Lowe anywhere. She said "Yes, he is a good man and he can be trusted anywhere." No one was able to turn her mind away from that.

The next white witness was Mr. Johnny Richardson of Wise Optical Company, who said that he had known Turner Lowe for more than three years and that he is trustworthy at all times.

He said the only fault that he found with Turner Lowe was that he consumed too much of the company's time working for his church, getting out tickets and placards. Several colored witnesses were also in his favor, including one of his deacons, who said that Mr Lowe was a good man as far as he knew.

TAKES STAND IN OWN DEFENSE

Turner Lowe took the stand in his own defense and he told about going with Mrs. Hoover for more than 6 months and he told about all of the different places that they had been going together. He finally told about the shoting and claimed that the gun was at Mrs. Hoover's house all of the time.

Then he stated that he saw Mrs. Hoover and Rev. Landers come out of her bed room when Rev. Landers opened the door for him. He also told about administering a severe beating to her after he had caught her dead to the right.

He stated further that when Mrs. Hoover ran out of the door after he finished beating her, he went out of the door leading out of the dining room and got his gun and started out of the house. While going out of the house, Rev. Landers shot him in the back. He says that he turned around and fired up the hall and then in the door. When Rev. Landers opened the door, poked his head out with his pistol raised, is the time when he killed him.

WIFE TESTIFIES

Mrs. Lowe who was called to the witness stand to testify, says that she called Mrs. Hoovers and told her that she was trying to break up my home and she wished that she would stop it. She states that she had had a lot of trouble out of Mrs. Hoover in the last 6 months. She caused her and Turner Lowe to almost separate. After all witnesses the defendant's attorney asked the jury to bring back a verdict acquittal. He pictured a fine testimonies of both white and colored in Lowe's favor. After he closed, the state asked the Jury to bring back a verdict of guilty and stop so much killing in Montgomery. After the argument was finished it was turned over to Jury at 5:20. They stayed locked up until 7:31; then were taken to supper.

At 9:25 the foreman of the Jury read this verdict of not guilty.

Watch next weeks paper

ARGUMENT TO THE JURY STARTS

Wreck kills man accused in death of Shelby sheriff

William F. Webb, 28-year-old Birmingham Negro whose car ran over and killed Shelby County Sheriff Luther T. Bozeman last September, today lost his own life in a traffic accident.

Charged with murder in the death of Sheriff Bozeman, a Circuit Court Jury found him guilty of first degree manslaughter. At the time of his death he was free on an appeal bond, according to the sheriff's office at Columbiana.

Webb lived at 3006 Sixth Avenue, North. Members of his family said he was a driver for a Lovick brick company.

He was killed this morning near Lovick when the truck loaded with brick went out of control and plunged about 100 feet over an embankment. Poole Funeral Home has the body.

* * *

WEBB WAS ACCUSED of deliberately running over the popular Shelby County sheriff and was brought to Birmingham at the time for safekeeping.

The sheriff was run over in a grassy area about 15 miles from Columbiana, toward Birmingham, where he and a posse were raiding stills. The officers had seized five 800-gallon stills at the time. The sheriff arose from where he was concealed in tall grass and was struck down by the car Webb was driving, officers said.

Sheriff Bozeman died in a Birmingham hospital. When his death was reported at Columbiana, about 200 men gathered around the jail. Officers took Webb from the Shelby County Jail and rushed him to Birmingham at 90 miles an hour. There was no violence, officers said.

THIS WAS THE SECOND traffic death reported here today.

Jacob L. Skates, 73, of Bessemer, Route 3, died at the Tuscaloosa Veterans Hospital last night of injuries suffered in an automobile accident earlier in the week.

He was a Spanish-American War veteran and retired employe of Central Foundry.

Surviving him are four sons, Chester B. and J. B. Skates, of Hueytown; Fred L. Skates, of Newport News, Va., and Tillman M. Skates, of the U. S. Navy, and a daughter, Mrs. Myrtle Shackleford, of Hueytown.

Brown-Service, Bessemer, will announce funeral arrangements.

Justice Dept. Probes Latest B'ham Killing

WASHINGTON, AUG. 9 — The Department of Justice is investigating the recent police killing of Thomas Patterson Jr., in Birmingham, Alabama, the Washington Bureau of the National Association for the Advancement of Colored People learned this week.

In a letter to Clarence Mitchell, director of the bureau, Deputy Attorney General Peyton Ford stated: "This matter is receiving the careful attention of the Department and you may be assured that, if our inquiry indicates the violation of a Federal statute appropriate action will be taken."

The Patterson killing is one of a series of incidents of police brutality which the NAACP has protested to the Department of Justice.

Negro Sought In Fatal Attack

MOBILE, ALA., Nov. 4—(AP)—A manhunt extending over areas of three states was in progress Sunday for a Negro who bludgeoned a service station attendant fatally here Saturday night.

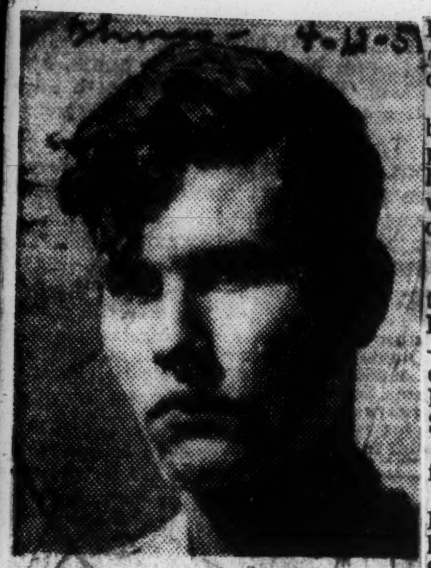
R. L. Cockrell, 27, died in City Hospital Sunday of multiple skull fractures inflicted by the unidentified Negro, who officers said, struck Cockrell repeatedly with an iron bar in a holdup of the filling station.

The assault and robbery took place on the outskirts of Mobile and three persons told officers they witnessed the attack. The witnesses said they had stopped for a traffic light and when they saw what was happening they attempted to catch the attacker, who escaped in an automobile. One of the three notified police.

Names of the witnesses were being withheld by officers pending further investigation.

Cockrell was only able to say he had been attacked and died before giving a description of his attacker. The three witnesses gave a "fair description," officers said.

Officers stated that about $50 was taken from Cockrell's pocket.



In prison fight—Tommy Oakes.

Negro convict slain, county man accused

MONTGOMERY, Ala., April 12—(AP)—A Draper Prison Negro convict died at the Kilby Hospital yesterday from injuries which Warden B. R. Reeves said were inflicted by a white convict with a piece of pipe.

Reeves said the Negro, Arthur Day, was hit on the head by a white man, Tommy Oakes, after Day reportedly twice made a remark about Oakes' mother.

The white man was serving a life sentence for the killing of a taxi driver in Jefferson County in 1947, Reeves said.

The case has been turned over to Elmore County authorities. Oakes would automatically receive a death sentence if convicted of first degree murder. The jury has no alternative when the defendant so convicted is already serving a life term for another killing.

Pastor Slain, Deacon Shot

MONTGOMERY, Ala.—A minister was slain and a deacon shot in the back during a pistol and shotgun duel in the home of another preacher's wife, last Wednesday night, while her husband was out of town conducting a revival.

The pastor who was fatally shot with a 12-gauge shotgun was the Rev. C. R. Landers, superintendent of a recently-opened religious center here.

Charged with having fired three blasts into him and held under police guard at the hospital where he is being treated for bullet wounds is Turner Lowe, the deacon.

Lust Behind Killing

Mrs. Adele Hoover—the wife of the Rev. Mr. Hoover, who was in Birmingham conducting a revival—is the third principal in the case. The shooting occurred in the Hoover home at 623 S. Union St.

Det. Capt. Lewis Miller gave the following version of the shooting:

Mrs. Hoover was telephoned by Lowe, who said he wanted to have immoral relations with her. She told him she would not consent and Lowe said he would kill her if she didn't. Growing afraid, the woman telephoned the Rev. Mr. Landers, who agreed to come to the woman's house to protect her.

Pastor Borrowed Pistol

Soon after he arrived, Lowe came to the house and began to beat Mrs. Hoover. The Rev. Mr. Landers was in another room with a pistol he had borrowed from her.

Soon after Lowe began to strike the woman, the Rev. Mr. Landers called him into the other room to talk to him. It was then that the shooting took place.

Detective Miller said that the shotgun was fired three times and the pistol four times. A warrant has been served on Lowe charging him with murder.

Negro seized and questioned in Police Chief Howton killing

A Negro, captured after a four-hour chase, was grilled intensively Saturday in the slaying of Graysville Police Chief Sanford Howton and the wounding of Constable Sam Lynn.

Lynn continued in "critical" condition at the Jefferson-Hillman Hospital Saturday night.

The Negro, Andrew Lee Smith, 30, a coal miner of Alden Village, was captured near Bessemer and brought to the County Jail in Birmingham, where officers took turns questioning him.

HOWTON

Chief Howton and Lynn were shot in the back of the head with a pistol early Saturday. The chief was dead on arrival at the Birmingham hospital.

THE OFFICERS were shot shortly after arresting nine Negroes at Alden Village, a mining camp, on gaming charges.

The Negroes were allowed to sign their own bonds for a later appearance in the Graysville Police Court. As the officers walked away from them, toward their car, they were cut down by the bullets.

Smith was one of the nine arrested. Officers said that after the shooting Smith fled in a car.

County, municipal and state officers were alerted and a search for him was directed by radio until he was finally cornered near Bessemer.

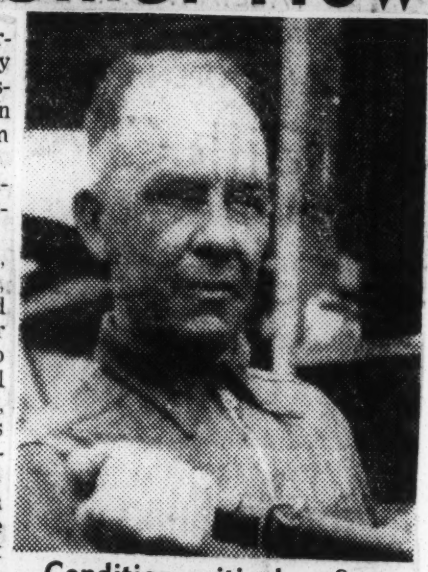
CHIEF HOWTON had celebrated his 61st birthday Friday.

His survivors include the widow, Mrs. Evelyn Howton; three sisters, Miss Rosa Howton, Mrs. D. M. Knight and Mrs. Troy Dabbs, all of Hueytown.

Funeral services will be from the Graysville Baptist Church Sunday at 2 p.m., the Rev. Cambron Bryant officiating. Burial will be at Mud Creek Cemetery. Masonic Lodge will have charge of service at the grave.

Active pallbearers will be Jim Huddlestone, Cleo Hardin, Pete Kelly, M. L. Vanderver, Morris West, James Chaffin.

Honorary pallbearers will be Henry Travis, Reuben Richardson, E. E. Lollar, Alton Woodruff, Grady Ford, J. L. Posey, Jim Daley Claude Tate, W. M. Brasfield and W. D. Nichols.



Condition critical — Sam Lynn.

the spot where Constable Lynn fell to the ground after he was shot.

Chief Howton had celebrated his 61st birthday yesterday. Mrs. Howton sobbed out the story of how friends and neighbors attended the party for her husband.

He had been with the county road department about 20 years, was a police officer in Homewood for two years and had been chief of the Graysville Police Department since the town was incorporated several years ago.

Chief Howton was a Shriner and a veteran of World War I.

He is survived by his widow; three sisters, Miss Rosa Howton, Hueytown; Mrs. Troy Dobbs, Hueytown, and Mrs. Dock Knight, Dolomite; one brother, Dewey Howton, Hueytown.

Funeral services will be held at Mudd Creek, the time to be announced.

Constable critically wounded after arresting nine for gambling at mining village

The Graysville police chief was slain and the town's constable was critically wounded early Saturday.

A Negro suspect in the shootings was apprehended by officers after an intensive four-hour search. The Negro, Andrew Lee Smith, 30, a coal miner of Alden Village, was brought to the sheriff's office in Birmingham for questioning. He was captured on the outskirts of Bessemer.

Police Chief S. R. Howton was dead on arrival at Jefferson Hillman Hospital. Constable Sam Lynn was fighting for his life at the same hospital. Both men had been shot in the back of the head with a pistol.

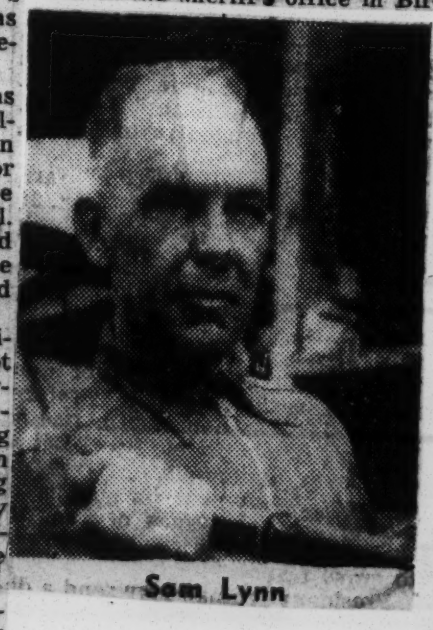
HOWTON

The two officers were shot after they had arrested nine Negroes on gaming charges at Alden Village, a mining camp operated by the Sloss-Sheffield Steel & Iron Company in the western section of the county.

They had allowed the nine Negroes to sign their own bonds for appearances later in Graysville Police Court and were walking back toward their automobile when the shots rang out.

Smith one of the nine Negroes arrested for gaming, allegedly fled from the house after the shooting in a 1948 Chevrolet 2-door sedan.

County, municipal and state officers kept their auto radio circuits hot in the hunt for the fleeing man. He was finally cornered near Bessemer and placed in County Jail on a "hold" for coroner's charge, pending completion of the investigation.



Sam Lynn

First deputies to arrive at the scene were J. L. Boggan, Frank Anderson and Troy Tate, from the sheriff's office at Birmingham.

The house where the shooting took place sits atop a hill. There was a bullet hole in a rear window pane of the house. Blood marked

THREE OFFICERS, FARMER SLAIN IN GUN BATTLE

BOAZ, Ala., May 18 (AP)—Three officers and a man they sought to arrest died in a midnight gun battle at a farm home 3 miles east of here.

A fourth officer, seriously wounded, is in a Gadsden, Ala., hospital.

Five persons are being held without charge in jail at Gadsden pending investigation.

Those killed were Sherif E. M. Boyles of Marshall county; Police Chief Leonard J. Floyd of Boaz; Aubrey Kilpatrick, a farmer; and Chief Deputy Sherif W. M. Bennett, who died in a Gadsden hospital at 3 a. m. today.

The officers had gone to the Kilpatrick home to arrest him and another man on charges of assault with intent to murder.

Greeted With Gunfire

Boaz is about 70 miles northeast of Birmingham.

Coroner Howard Hardin said charges against Kilpatrick arose from a neighborhood fight.

The coroner said Sherif Boyles and the other officers were greeted with gunfire a moment after they drove up to the Kilpatrick home. They returned the fire before they fell, killing Kilpatrick.

Two pistols, three shotguns, and a carbine were found in and near the Kilpatrick home, Hardin said.

Apparently the sherif and Chief Floyd died almost instantly. Bennett was hit in the chest as he sat behind the wheel of the automobile. Despite the wound, Bennett managed to get Deputy Sidney Lang back in the car and drive the three miles to Boaz for help. Bennett died less than three hours later.

Three Sons Jailed

More than a score of Alabama state highway patrolmen and other officers searched the area around the Kilpatrick home.

Hardin listed the five jailed as Kilpatrick's three sons, 16, 14, and 12 years old, and Tom Upton and Fred Goble. He named the Kilpatrick boys as James, Billy, and Harold.

Birmingham Church Official Is Charged With Shooting Cop

BIRMINGHAM, Ala.—Charged with assault with intent to kill a police officer, a deacon of the Thankful Baptist Church lay behind bars while his wife leaped to his defense this week and refuted charges that her husband had violated state liquor laws.

Lewis Robinson, 32, a TCI employe, has been charged with the reported shooting of Officer J. O. Kelly, 14404 Thirty-third Street, who was allegedly wounded when he and his partner, Officer O. C. Edwards, went to the Robinson home early Sunday morning, June 10, to probe a liquor law violation.

Mrs. Robinson said that her husband, a church deacon for eight years, did not and has never sold whiskey. She stated that the accused man doesn't drink liquor and holds offices in the church as treasurer of both the Sunday school and the usher board.

GIVES HER VERSION

Giving her version of the shooting incident, Mrs. Robinson stated that she was asleep when she heard a banging on the front door "like somebody trying to tear it down." She added that she then heard the shooting.

Investigating officers said that Policemen Kelly and Ellard claim that they knocked and that someone inside the room asked who it was. "We're police, open up," Officer Kelly was quoted as saying. A voice from the inside is said to have answered, "What the hell do you want?" A bullet then allegedly followed the voice through the door.

Officer Kelly, police said, was hit in the stomach by a half-spent .25 bullet. He reportedly returned the fire, it missing. Other officers then poured on the scene.

"LOADS OF LAWS"

Mrs. Robinson, who says that "loads of laws came after the shooting took place," claimed that her husband yelled to their next door neighbor to call the police because somebody was trying to break in. The neighbor, she said, failed to make the call. Shortly afterwards about "five carloads of policemen came."

She said that as the officers led her husband out of the house "they hit him and I screamed, please don't kill him." She said that at that point she was hit about twice on the left side of her face by "one of the other officers who came. One pointed a gun at me while the other hit me."

The couple has three boys, aged 13, 11 and 10. Mr. Robinson also works in his spare time as a licensed barber and picks up dry cleaning, his wife said.

Negro private killed, night club employe wounded in squabble

OPELIKA, Ala., July 3—(AP)—A Negro Air Force private was killed and a white night club employe critically injured in a fight outside the night spot near here last night, Deputy Sheriff Otis Broadwater reported.

Broadwater said L. H. (Hoke) Smith, 41, of Cusseta Route 1, was stabbed three times in the back and is in serions condition in a hospital.

The Air Force private, identified as Isaac Whitehead of Lanett, Ala., was shot twice by Smith, the officer said, after the Negro knifed the night club employe.

Broadwater said he had been unable to question Smith, but witnesses told this story:

SMITH, WHO WORKS at the place frequented by Negroes, went outside to stop a fight between two of them. Whitehead, a bystander, stabbed him in the back after he turned to reenter the club.

The white man then shot Whitehead twice with a pistol, fatally wounding him.

The deputy said Whitehead was stationed at Maxwell Air Force Base in Montgomery. Murder charges may be filed against Smith, the officer added.

Maxwell public information office said the Air Force will investigate the incident.

Alabama Whites Act In Slaying

JASPER, Ala. — An all-white grand jury last week indicted Police Chief G. A. Warren of Oakman, Ala., for second degree murder in connection with the pistol slaying of Jessie Hood last January.

The officer was released on $2,500 bond.

Court attaches said Warren's indictment was the first time in recent years a Walker county law enforcement officer had been held on a murder charge for the killing of a Negro.

Hood was fatally shot at the home of Dan Colvin who had called Chief Warren to take the man in custody after he found him in his car parked in the yard. Colvin said he was afraid Hood would freeze to death.

Warren pulled Hood from Colvin's car and shot him. The killing was investigated by Circuit Solicitor James L. Wilson, the county coroner and the sheriff of Walker county.

White Slayer Freed In Dixie

TUSCALOOSA, Ala. — A verdict of justifiable homicide has been returned here in the death of Howard Tibbs, 32, who was shot last Tuesday when he was seen at a grist mill on property belonging to G. G. Reynolds.

Officers said Reynolds fatally shot Tibbs when he and his wife approached the mill in a car and spotted two men loading iron from the mill into an automobile.

The other man, identified as Samuel Morgan, has been charged with grand larceny.

Justice Department Investigates Latest Birmingham Killing

Washington Aug.— The Department of Justice is investigating the recent police killing of Thomas Patterson, Jr., in Birmingham, Ala., the Washington Bureau of the National Association for the Advancement of Colored People learned this week.

In a letter to Clarence Mitchell, Director of the Bureau, Deputy Attorney General Peyton Ford stated: 'This matter is receiving the careful attention of the Department and you may be assured that, if our inquiry indicates the violation of a Federal statute ap-

propriate action will be taken."

The Patterson killing is one of a series of incidents of police brutality which the NAACP has protested to the Department of Justice.

Negro Denied Bond In Sheriff's Death

COLUMBIANA, ALA., Jan. 5 —(AP)—Circuit Judge W. W. Wallace Friday denied bond for William Franklin Webb, Birmingham Negro accused of slaying Shelby County Sheriff Luther Bozeman.

An attorney for Webb had filed a habeas corpus petition in an effort to gain freedom on bail for the prisoner. He is awaiting trial on a grand jury murder indictment.

Webb ran over and fatally injured the sheriff with an automobile during a liquor raid in which Bozeman took part Sept. 28. The Negro insisted to officers that he did not see the sheriff before striking him.

Chief Deputy Hubert Kirkland and two federal officers testified at the hearing Friday Bozeman was plainly visible to the driver of the vehicle.

Kirkland said Bozeman's dying words were, "He did it on purpose. I'm gone. Get me to a doctor."

Webb was rushed to the Jefferson County Jail at Birmingham the same night when an angry crowd surrounded the county jail here.

The Tuskegee Institute lynching report credited Shelby County officers with saving Webb from possible mob action.

Accused in Sheriff Killing Denied Bail

COLUMBIA, Ala. (ANP) — William Franklin Webb of Birmingham, accused of the willful slaying of Shelby County Sheriff Luther Bozeman, was denied bond by Circuit Judge W. W. Wallace here Friday.

Webb is awaiting trial on a murder indictment, which accuses him of "deliberately" running over and fatally injuring the sheriff with an automobile during a liquor raid Sept. 28. The accused, however, has insisted he did not see the officer before striking him.

A deputy and two federal officers testified at the hearing that Bozeman was plainly visible to the driver of the vehicle. One officer quoted the dying Bozeman as saying, "He did it on purpose. I'm gone. Get me to a doctor."

The hearing was held on a habeas corpus petition filed by Webb's local counsel in an effort to gain freedom on bail for the prisoner.

Death Penalty Given Negro For Slaying

MOBILE, ALA., March 22—(AP) —A stocky 21-year-old Negro construction worker drew the death penalty Thursday for murdering Ulysses S. Alberson, elderly Grand Bay farmer.

A circuit court jury deliberated an hour and 10 minutes before returning the guilty verdict.

The defendant, Levert Forrest, received the verdict without commenting. The sentence carries an automatic appeal to the State Supreme Court.

The state charged Forrest killed the 65-year-old Alberson last Nov. 16 to steal his cattle.

Forrest pleaded innocent by reason of insanity. The state's final witness, Dr. M. L. Morrer, a county jail physician, said he examined Forrest sveral times and saw nothing unusual about his actions.

Negro Given 10 Years In Farmer's Slaying

COLUMBIANA, ALA., April 12—(AP)—Jack Davis, Negro, who was convicted of second degree murder in the 1948 slaying of a white farmer, will be sentenced Saturday.

A circuit court jury returned a verdict Wednesday, fixing his punishment at 10 years in prison.

A brother of the Negro, Sam Davis, was sentenced to die in the electric chair at a trial held last November in the same case.

C. L. Prince, A Harpersville farmer, was beaten to death. His body was found on a dirt road alongside his car Oct. 31, 1948.

An auto bumper jack was believed to have been the death weapon.

Sheriff's Slayer Gets 10 Years

COLUMBIANA, ALA., April 13 —(AP)— A Shelby County circuit court jury Friday night returned a verdict of first degree manslaughter against William Franklin Webb, Negro accused of murdering Sheriff Luther Bozeman.

The jury fixed his sentence at 10 years' imprisonment.

The state contended Webb deliberately ran over Bozeman with an automobile when he drove up while the sheriff and other officerswere raiding a moonshine still.

The jury deliberated four hours.

William Franklin Webb, Birmingham, the accused Negro, testified he struck the sheriff with the car accidentally. He told the jury he was trying to get away and grass taller than Bozeman's head kept him from seeing the officer.

State attorneys did not demand any specific penalty in final arguments before the Shelby County Circuit Court jury.

Bozeman was killed late last year only a few weeks before his term expired.

Death Given Miner In Officer Killing

BIRMINGHAM, May 29—(AP)— A Negro miner was convicted of murder and sentenced to death Tuesday in the fatal shooting of Graysville Police Chief S. R. Howton, 61.

A circuit court jury convicted Andrew Lee Smith, 30, after deliberating 42 minutes. Judge Robert J. Wheleer set the date for Smith's electrocution at July 6.

The execution is stayed, however, pending an automatic appeal to the Alabama Supreme Court. By law, the court must review all death sentences. It is not expected to take up the appeal before next fall.

Chief Howton and Constable Sam Lynn were shot to death April 21 just after the officers had arrested Smith and several other Negroes at Smith's home on charges they had engaged in a dice game.

The Negroes had been released on appearance bonds and the officers were leaving the place at the time of the shooting.

The state introduced in evidence Monday a signed statement taken from Smith after his arrest. In it, he was alleged to have said he fired at the two officers after he heard several shots.

Smith pleaded innocent and innocent by reason of insanity.

Graysville is a little mining community about 16 miles west of Birmingham.

Jury hears 'confession' read in murder trial for police chief's death

A Negro on trial for his life for the slaying of Graysville Police Chief Stanford Howton, has heard read before the court a copy of a confession he is purported to have made.

Andrew Lee Smith, Alden, is charged with murder in the slaying of Howton and Sam Lynn, constable of Precinct 38.

Smith went on trial yesterday before Circuit Judge Robert J. Wheeler with a plea of not guilty.

Claude Tate, county deputy at Alden, testified that he and his brother, Deputy Sheriff Troy Tate, arrested Smith in Bessemer some four or five hours after the shooting of the officers. Tate said Smith was armed with a .32-20 caliber revolver at the time of his arrest.

Lynn and Howton were killed at Smith's home April 21, 1951. The officers had gone there to investigate a complaint of gaming.

Lynn was shot in the back of the head. Howton was shot in the right temple. Lynn lived for several hours after the shooting but did not regain consciousness.

Troy Tate testified that Smith made a statement a few minutes after he was brought to County Jail, in which he admitted shooting both men.

The scene of the shooting is one-half mile from the city limits of Graysville, but is within the police jurisdiction of that town. Alden is a mining community operated by Sloss-Sheffield Steel Company, 16 miles north of Birmingham.

Juror Gets Threats In Birmingham

Foreman Of Jury Abused After Not Guilty Verdict

By International News Service

BIRMINGHAM, Ala. — Receipt of several threatening telephone calls is acknowledged by the foreman of a Birmingham jury which released a Negro man on trial for murder.

Maurice H. Dickstein, who opposed the judge for his reprimand to the jury, said he was not afraid of threats to "get you for turning that Negro loose." He said many of the telephone calls were abusive, but that more than 200 people had approached him personally to congratulate the jury on a fair verdict.

Dickstein headed the Circuit Court jury which acquitted Alexander Bloxom of a murder charge in connection with the death of a white service station attendant.

officers and solicitors who handled the case. The judge said that if it were within his power he would order a new trial.

CIRCUIT JUDGE Robert Wheeler attacked the verdict as "poor encouragement" to of

The foreman labelled Judge Wheeler's remarks as "presumptuous . . . insulting . . . lacking dignity."

Jury Foreman Spanks Judge For Criticism Of Verdict On Negro

BIRMINGHAM, Ala. — (SNS) — An all-white jury's "not guilty" verdict in favor of a Negro defendant charged with slaying of a white man drew the bitter criticism of Circuit Judge Robert J. Wheeler here last Wednesday.

Alexander Bloxom was charged with the robbery-slaying of Gordon Luminock, North-Birmingham filing station operator, on December 18, 1950. Fred Perryman, who was slain by a shotgun blast at the scene of the double tragedy was charged along with Bloxom with conspiring to rob the service station.

Defense Counsel George Trawick argued after Bloxom had entered a not guilty plea Monday that Bloxom had gone to the station with Perryman but did not know of Perryman's intent to rob the service station.

Deputy Solicitor Willard McCall and Special Prosecutor George Rogers prosecuted the case.

Judge Wheeler extremely unhappy over the decision of the all-white jury said if he had the power to do so, he would set aside the verdict. His comment added:

"Gentlemen, may I say to you in all earnestness that this verdict is poor encouragement to the faithful officers who handled the case as well as to the solictor who prosecuted the case before this court and jury.

"Such a verdict renders it increasingly hard to enforce law and order in this state and county."

"You can't expect better law enforcement when such verdicts are returned,' the judge said. "A verdict like this in the face of the evidence in this case does not give proper support to law enforcement."

Jury foreman Maurice Dickstein has issued a statement calling the reprimand of Judge Wheeler an insult in the case where defendant Bloxom was freed by twelve white men who heard the case.

Mr. Dickstein said "the twelve-man jury headed couldn't have sent to the electric chair any man-white, black, green or purple-on the flimsy evidence the state presented against (Alexander) Bloxom."

"God gave us minds to think with and the ability to act on what we think is right. For using our right to think and to act according to our own understanding of justice-and even guided during the trial by Judge Wheeler-we have been insulted. I think that's damn little incentive for others to serve on juries."

He added: "thank God for juries, and for jurors who don't let emotion and prejudice color their decisions."

"The worst thing that could happen to our system of justice under the thumbs of judges-to browbeat them and insult jurors when they have done their duty as men and as citizens."

"For a long time in the past, and I hope for a long time in the future, juries decide guilty or innocence-not judges."

"The judge's job, like Judge Wheeler, is to direct the trial, see that fair representations are made, instruct the jury, receive the verdict and then thank the 12 men for giving up their time and losing money to serve on the jury-not bawl them out."

It was learned that on first ballot the jury stood 11 to 1 for acquittal. The lone dissent being for reducing the punishment to manslaughter. The jury deliberated less than two hours.

The jury foreman assailed Judge Wheeler's attack presumptuous insulting and lacking dignity.

Deliberates 42 minutes—

Jury brings in verdict of death for Police Chief Howton's killer

After only 42 minutes of deliberation, a Circuit Court jury brought in a verdict of death in the electric chair for the slayer of Graysville Police Chief Stanford Howton..

Andrew Lee Smith, alias Paul Smith, 30, heard the death sentence pronounced against him and Judge Robert J. Wheeler set July 6 as date of execution.

The setting of the execution date was a mere formality, however, since an appeal of a death sentence is automatic under Alabama law. That means that the date is fixed again if the sentence is upheld in the Supreme Court.

* * *

SMITH, officers charged, shot Howton and Constable Sam Lynn after the two had arrested Smith and several other Negroes at Smith's home in Alden, for gambling.

Lynn was shot in the back of the head, Howton, in the temple. The guns of both officers were still in their holsters, witnesses said.

The trial lasted less than two days, with the jury receiving the case about 3 p.m. yesterday.

* * *

SMITH is scheduled to be tried June 11 for the slaying of Lynn.

The Negro pleaded not guilty and not guilty by reason of insanity. During the trial, a statement purporting to be a confession by Smith was read before the jury.

The case was prosecuted by Deputy Solicitor Willard McCall and Solicitor Emmett Perry.

13c 1951

Alabama (Legal Sentence)

Jury Foreman Calls Remarks By Circuit Judge 'Insulting'

BIRMINGHAM, May 2—(AP)—A jury foreman Wednesday called "insulting" remarks by a trial judge who criticized his jury for freeing a Negro charged with murdering a filling station operator.

Maurice H. Dickstein, foreman of the jury which Circuit Judge Robert J. Wheeler reprimanded, issued an angry reply to courtroom remarks by the judge. The jury verdict was unanimous.

"The twelve man jury I headed couldn't have sent to the electric chair any man—white, black, green or purple—on the flimsy evidence the state presented against Bloxom.

"God gave us minds to think with and the ability to act on what we think is right.

"For using our right to think and to act according to our own understanding of justice — and even guided toward our decision by Judge Wheeler—we have been insulted.

"I think that's damn little incentive for others to serve on juries."

"The worst think that could happen to our system of justice would be to put juries under the thumbs of judges—to browbeat them and insult them when they've done their duty as men and as citizens."

Alexander Bloxom, the defendant, wept when the verdict was read and said, "Thank the Lord God for justice."

Bloxom was charged with killing Gordon Luminock, a North Birmingham filling station operator last December. Police killed another Negro who attempted to escape after his arrest.

Bloxom's attorney contended that while Bloxom went to the station with the other man, he did not know the purpose of their visit.

Judge Wheeler, is dismissing the group, said:

"Such a verdict renders it increasingly hard to enforce law and order in this state and county. A verdict like this in the face of the evidence in this case does not give proper support to law enforcement."

He added that he would have set the verdict aside and ordered a new trial if he had possessed the power to do so.

Jury acquits accused killer, is reprimanded

A Jury today received a severe reprimand from Circuit Judge Robbert J. Wheeler after it had returned a verdict of not guilty in the case of Alexander Bloxom, Negro, charged with murder in the robbery slaying of Gordon Luminock, North Birmingham filling station operator last Dec. 18.

The jury received the case yesterday and was asked to bring in a sealed verdict this morning if a verdict was reached during the night.

At 9:15 a.m., today the jury reported it was ready.

AFTER HEARING the verdict read by the foreman, Judge Wheeler said:

"Gentlemen, may I say to you in all earnestness that this verdict is poor encouragement to the faithful officers who handled the case as well as to the solicitor who prosecuted the case before this court and jury.

"Such a verdict renders it increasingly hard to enforce law and order in this state and county."

Judge Wheeler told the jury that if it were in his power he would set the verdict aside and order a new trial.

"You can't expect better law enforcement when such verdicts are returned," the judge said. "A verdict like this in the face of the evidence in this case does not give proper support to law enforcement."

Bloxom was one of two Negroes charged with murder after Luminock was killed by a shotgun blast in front of the service station. Police charged that both Bloxom and Fred Perryman, the second Negro, had conspired to rob the service station.

Perryman was shot to death by police officers in attempting to escape after his arrest.

THE CASE started Monday with a plea of not guilty being entered by Defense Atty. George Trawick.

Trawick contended in his defense that while Bloxom had gone to the service station with Perryman, he did not know of Perryman's intent to rob the station attendant.

Prosecuting the case for the state was Deputy Solicitor Willard McCall and Special Prosecutor George Rogers.

MEMBERS OF THE JURY were Maurice H. Dickstein, 1115 South 23rd Street, foreman; Benjamin Ozmar Allred, 1012 Alabama Avenue; William E. Bailey, 705 Sixth Avenue, West; John A. Coleman, Jr., 1637 Shades Crest Road; Laney Cowan, 410 Morris Boulevard, Homewood; Charles H. Cox, 1534 46th Street, Belview Heights; Garrett T. Coyle, 3007 17th Street, Ensley; Charles Frederick Crosby, 2611 31st Avenue, North; John Paul Foster, 908 Sixth Street, Southwest; Robert Hamilton, 1149 Ninth Street, West; Eugene Wilkerson, 2313 10th Place, West, and Richmond E. Wilson, 1249 15th Place, Southwest.

Alabama Whites Act In Slaying

JASPER, Ala. — An all-white grand jury last week indicted Police Chief G. A. Warren of Oakman, Ala., for second degree murder in connection with the pistol slaying of Jessie Hood last January.

The officer was released on $2,500 bond.

Court attaches said Warren's indictment was the first time in recent years a Walker county law enforcement officer had been held on a murder charge for the killing of a Negro.

Hood was fatally shot at the home of Dan Colvin who had called Chief Warren to take the man in custody after he found him in his car parked in the yard. Colvin said he was afraid Hood would freeze to death.

Warren pulled Hood from Colvin's car and shot him. The killing was investigated by Circuit Solicitor James L. Wilson, the county coroner and the sheriff of Walker county.

13c 1951 Alabama (Legal Sentence)

Negro Denied Bond In Sheriff's Death

13c

COLUMBIANA, ALA., Jan. 5 —(AP)—Circuit Judge W. W. Wallace Friday denied bond for William Franklin Webb, Birmingham Negro accused of slaying Shelby County Sheriff Luther Bozeman.

An attorney for Webb had filed a habeas corpus petition in an effort to gain freedom on bail for the prisoner. He is awaiting trial on a grand jury murder indictment.

Webb ran over and fatally injured the sheriff with an automobile during a liquor raid in which Bozeman took part Sept. 28. The Negro insisted to officers that he did not see the sheriff before striking him.

Chief Deputy Hubert Kirkland and two federal officers testified at the hearing Friday Bozeman was plainly visible to the driver of the vehicle.

Kirkland said Bozeman's dying words were, "He did it on purpose. I'm gone. Get me to a doctor."

Webb was rushed to the Jefferson County Jail at Birmingham the same night when an angry crowd surrounded the county jail here.

The Tuskegee Institute lynching report credited Shelby County officers with saving Webb from possible mob action.

Court Upholds Denial Of Bail To Negro Man

He's Under Indictment For Running Car Over, Killing Shelby Sheriff

The Alabama Court of Appeals agreed with a lower court Wednesday that a Negro accused of running over a sheriff and killing him with a car is not entitled to release from jail on bond.

And, in another decision, the appellate court held that the register in chancery of Jefferson County should receive additional pay for handling absentee ballots.

The Negro denied bail is William Franklin Webb, who was indicted on a murder charge in the death of Shelby County Sheriff Luther Bozeman. The sheriff was run down and fatally injured by an automobile while on a liquor raid.

Other officers sped the Negro to Birmingham on Sept. 28, 1950 after a crowd estimated at 150 to 200 persons gathered threateningly at the Columbiana jail. State Liquor Investigator Jack Benton said Webb deliberately ran his car over the sheriff when officers tried to arrest him at a still.

Tuskegee Institute later listed the incident as an attempted lynching.

The Jefferson County register in chancery awarded extra pay for handling absentee ballots is G. H. Boyd, who had already won a $840 judgment in circuit court against the county commission. The Court of Appeals upheld the judgment.

When the 1949 legislature enacted a law requiring absentee voters to cast their ballots in person before election day, it designated the register in chancery in the various counties to handle them and provided additional pay.

But Jefferson County officials are required to turn over all fees to the county treasury, and the commission declined to give Boyd extra compensation.

The Court of Appeals ruled that the handling of absentee ballots imposed on the register duties "foreign to those of his office" and said he is entitled to additional pay.

Murder Suspect Flees Shelby Jail

COLUMBIANA, ALA., Feb. 28 —(AP)—A 35-year-old dairy worker being held on a murder charge sawed his way out of the Shelby County Jail here Wednesday.

Amos Bridges, about 35, was missed shortly before 5:30 p.m. Officers said a man was noticed running from the direction of the jail a few minutes earlier.

The break was discovered when Jailer E. E. Walton came in to pick up food dishes. Walton said Bridges' wife and sister visited him Wednesday afternoon.

The jailer said Bridges was indicted for murder last fall in the fatal shooting of a Negro at Siluria. He was being held without bond pending trial.

Sheriff A. E. Norwood was leading an intensive search of the area.

Three White Men Imprisoned For Beating Of Negro

MONTGOMERY, March 7 (AP)—Three young white men were given prison sentences ranging from 10 to 16 years today for the New Year's Day robbery and beating of a 50-year-old blind Negro.

The case against a fourth was dismissed in Montgomery Circuit Court.

Pleading guilty to robbery were Wesley Parker Downs, 20, sentenced to 16 years; Warrick Smith, 21, 10 years; Wallace Fryer, 24, 15 years; and Clyde Fryer, 21, [illegible] prosecution.

The Circuit jury ratified the sentences which were recommended by the solicitor after an agreement to enter pleas of guilty.

Chief Deputy Sheriff George Mosley, Jr., said the four men picked up Arthur Davis, blind Birmingham Negro, at 1016 Sixth-al, s, and a younger companion, George Massey, near Prattmont and volunteered to bring them to a service station. But, officers said, they brought them over the Montgomery County line and tried to slug the younger Negro with a lug wrench. He escaped, the chief deputy reported. Then, he said, they bludgeoned Davis with a tire tool, took about $30 from him and fled.

Negro Goes On Trial In Farmer's Slaying

MOBILE, ALA., March 20—(AP)—Levert Forrest, 21-year-old Negro, went on trial Tuesday afternoon charged with the shotgun slaying of Ulysses Alberson, 65-year-old farmer.

Forrest entered a plea of innocent and innocent by reason of insanity before Circuit Judge David H. Edington.

He was indicted by the January grand jury on a charge of first degree murder.

Alberson was found dead near his farm home last [illegible] 16 with four shotgun wounds in his back.

SLAYING OF CONSTABLE LABOR DISPUTE RESULT

Threats Of Violence Follow Killing At Decatur

OFFICERS PATROL TOWN

By The Associated Pres

DECATUR, Ark., June 6.—Threats of violence as a result of a labor dispute were reported in this Northwest Arkansas town of 500 people Wednesday several hours after a constable had been slain.

An Arkansas state trooper, Benton County Sheriff John Black and two deputies patrolled the town Wednesday afternoon to ward off possible outbreak of trouble. Decatur is about 35 miles northeast of Fayetteville.

Slayer Is Named

They were asked to come here after Constable Lester Kenneth Setser, 32, was shot to death at the home of a man out on strike against the Pluss Poultry, Inc., processing plant.

Sheriff Black said Setser was slain by William E. Cowart, 43, who fired a luger-type pistol four times at the peace officer.

Black said that after Constable Setser fell Cowart picked up a German burp gun (a machinegun) but was disarmed without trouble.

Sheriff Black, who arrested Cowart Tuesday night, said he was being held at nearby Bentonville without formal charge.

He said he returned to Bentonville Tuesday night but was called back here Wednesday morning by M. H. Simmons, manager of the plant.

Simmons said several threats had been made against employes not on strike.

Deputy Sheriff J. B. Morrison said the situation "was pretty tense but so far nothing has happened."

Simmons gave this account of the labor dispute:

An organizer of the AFL Meat Cutters and Butchers Union appeared at the plant last week to disscus organization of the firm's 150 employes.

Asks NLRB Election

The organizer told the manager Tuesday that the union represented 85 per cent of the employes and wanted immediate recognition.

Simmons said he then asked for a National Labor Relations Board election to determine if the employes wanted the union as their bargaining agency.

Simmons said the organizer refused and about 40 workers left their jobs.

No picket line was formed but groups of men stood outside the plant and threatened non-striking employes, Simmons said.

Production at the plant was not halted by the strike.

Simmons said he had hired other workers Wednesday.

Union men could not be located for comment.

NEGRO PAYS PENALTY FOR SLAYING OFFICER

Aubrey Smith, 149th To Die In Arkansas Chair

TUCKER PRISON FARM, Ark., July 27. — (AP) — A 31-year-old Negro, Aubrey Smith, Friday became the 149th man to die in Arkansas' electric chair in the 38 years the state has used that method of execution.

He was put to death shortly after 6 a.m. for the murder of a St. Francis County deputy sheriff, Ray Campbell, near Forrest City on Aug. 3, 1950.

No woman ever has been electrocuted in Arkansas.

Smith died with a confession of guilt on his lips. Asked by Prison Supt. Lee Henslee if he was guilty of the crime for which he had been convicted, he nodded and replied, "Uh huh."

Among the 25 witnesses to the electrocution was the slain officer's partner at the time of the fatal shooting, Forrest City Marshal Otis Tatum. Tatum also was wounded by shots Smith admitted firing, but recovered.

Campbell and Tatum were taking Smith and another Negro, Peter Dorsey, from Little Rock to Forrest City, where they were wanted for cow theft.

The prisoners, handcuffed together in the back seat of the automobile, overpowered the two officers with Tatum's pistol.

Smith was convicted in Phillips County Circuit Court, and his sentence was upheld by the Arkansas Supreme Court.

Dorsey also was sentenced to death. His conviction also was affirmed by the State Supreme Court but has been appealed to the United States Supreme Court, automatically staying his execution.

FARMER GOES ON TRIAL IN SHOOTING OF NEGRO

W. H. Stokes Of Vanndale Is Charged With Murder

WYNNE, Ark., Sept. 11.—W. H. Stokes, 74-year-old farmer of Vanndale, went on trial in Circuit Court here Tuesday morning charged with first degree murder in the shooting of Harvey Wilson, Negro, 69, at the Stokes home last Oct. 21.

The court spent all day Monday examining jurors and completed a panel at 10 a.m. Tuesday. The case is expected to be in the hands of the jury by Wednesday morning.

The prosecuting attorney is T. G. Partlow and defense counsel is W. H. Killough. Circuit Judge Zal B. Harrison is presiding.

According to officers the shoting took place after Wilson and his wife had gone to the Stokes house to buy a gallon of kerosene. As Wilson was drawing the kerosene from a barrel on the porch with the help of Mrs. Stokes, Mr. Stokes was allaged to have stepped out on the porch with a shotgun and fired one shot at the Negro, narrowly missing Mrs. Stokes. The Negro died soon after reaching a Little Rock hospital.

The Negro's wife testified Tuesday that she knew of no motive for the shoting. Stokes has been free on $5000 bond since last Fall.

13c 1951

Arkansas (Legal Sentence)

EXECUTION OF NEGRO SCHEDULED FOR TODAY

Aubrey Smith To Face Chair In Arkansas Prison

TUCKER PRISON FARM, Ark., July 26—(AP)—Aubrey Smith is scheduled to die in the Arkansas electric chair sometime after sunrise Friday for the fatal shooting of a St. Francis County peace officer.

Smith is one of two East Arkansas Negroes sentenced to death in the slaying of Deputy Sheriff Ray Campbell last Aug. 3.

Execution of Smith's companion, Peter Dorsey, has been delayed pending outcome of an appeal to the United States Supreme Court.

Smith and Dorsey were accused of overpowering Campbell and another officer, Otis Tatum, when the two deputies were transporting the Negroes from North Little Rock to Forrest City to face cow theft charges.

Smith signed a statement that he pulled the trigger on the pistol that killed Campbell. His conviction has been upheld by the Arkansas Supreme Court.

Sixty-Eight-Year-Old Negro Goes On Trial Monday For Slaying White Man

PINE BLUFF—Sixty-eight-year-old, George Alexander, Reydell Negro, will go on trial in the Jefferson circuit court on a charge of the first degree murder of C. C. Hoover, a white man, Monday morning at nine o'clock.

The court will be presided over by Judge Henry W. Smith, newly elected circuit judge, and Alexander will be prosecuted by Pat Mullis, former Dumas attorney, who was recently elected prosecuting attorney.

Alexander, who at the outset employed Harold Flowers, well known Arkansas lawyer, but asked him to withdraw on the eve of his trial which had been set for March 12, will be represented by Sam Levine and Coy M. Nixon, white attorneys.

An overflow crowd is expected to attend the trial. If convicted on the charge of first degree murder, Alexander may receive the death sentence or life imprisonment.

The crime with which Alexander is charged was alleged to have been committed on February 11 near his home and business at Revdell.

Left Without Father, Mother

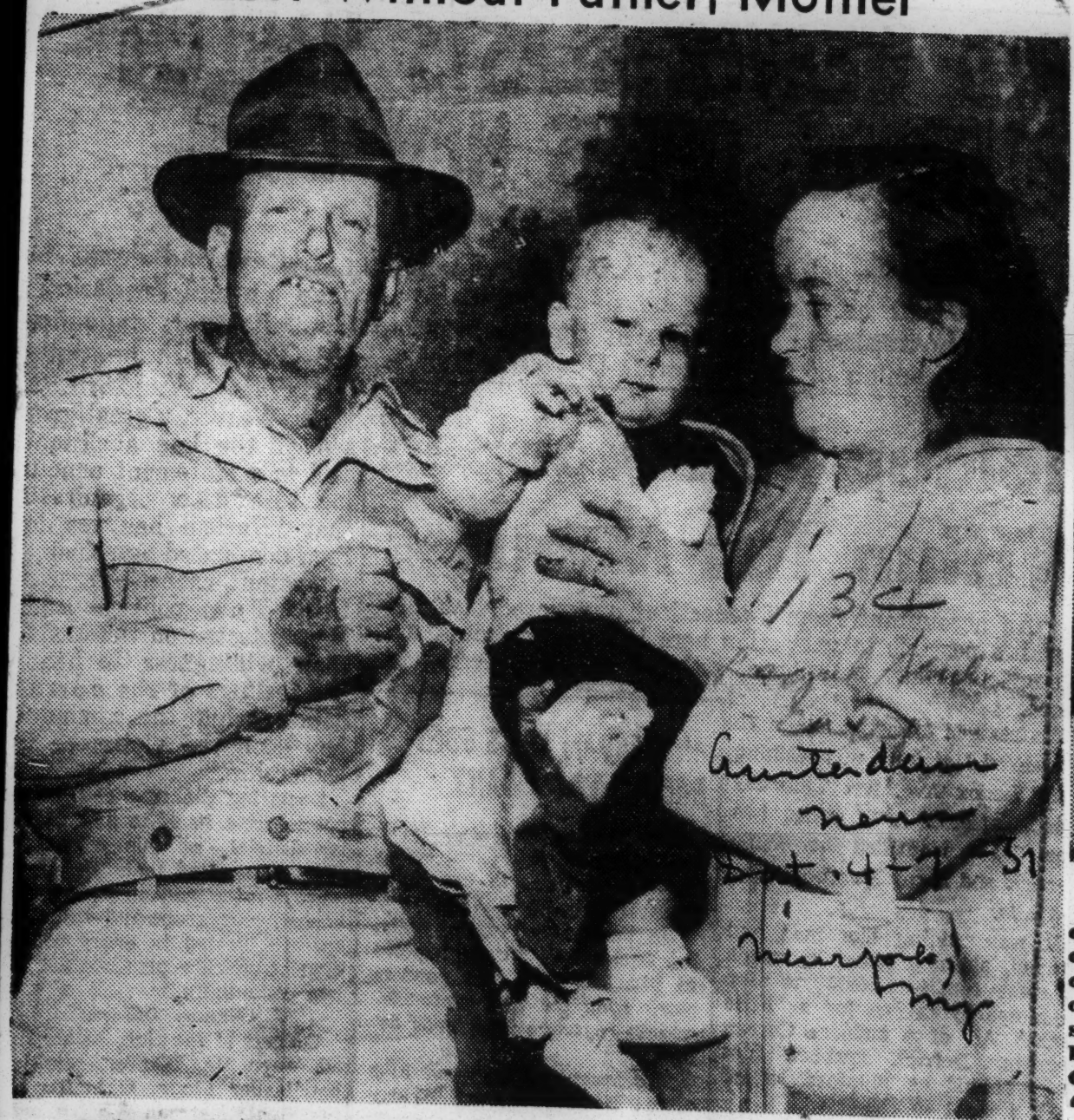


Foto by INS

SURVIVES MYSTERY TRAGEDY . . . Unaware of the tragedy in which he played a part, eight-month-old Jeff Cook is shown with his grandfather and aunt. His mother and father were found dead near Riverside, Calif., last week. Air Force Sgt. Lawrence Walker, 20, is being held for the crime. Police arrested him as he tried to get a quick repair job on his car. It is believed he forced the Cook car off the road and attacked the couple. (See photo below).

Foto by INS

AIR FORCE SERGEANT LAWRENCE WALKER . . . In custody at Riverside, Calif., police headquarters. Walker is charged with the slaying of Richard and Doris Cook, 18-year-old married couple. Cook's battered body was found near his car which appeared to have been forced off the road near Riverside. A few days later Cook's wife's body was found in a rock body. Walker is also being held for rape and kidnapping. Mrs. Cook's body was ten miles from the scene of the first killing. (Other photo above).

Young Wife's Body Found; Hold Suspect

Riverside, Cal., March 28 (AP)—A steel worker's hunch today brought searchers to the bullet pierced body of a young mother whose husband was slain two days ago on a desolate lake shore road.

Sheriff officers continued to question a Negro air force sergeant about the double murder, in which the couple's infant son was left playing on a pink blanket beside his father's body.

The mother was Mrs. Doris Cook, 18. She had been sought since the body of her husband, Richard Cook, also 18, was found sprawled on a little used road near the Lake Matthews reservoir, about 10 miles south of Riverside.

Found by Steel Worker

Robert W. Guinn, 23, a worker at the Kaiser steel mill in Fontana, found her body today. It had been tossed into a rock quarry two miles west of March air force base.

Deputies said a preliminary examination showed Mrs. Cook had been shot under the right breast. Her husband was shot thru the abdomen, against thru the back.

Held for questioning is Sgt. Lawrence J. Walker, 20, of Newark, N. J., who the sheriff's office said has admitted sideswiping the auto beside which Cooks' body was lying. Walker is held on charges of carrying a concealed weapon—a .45 automatic.

Fought with Slayer

Chief Criminal Deputy W. W. Walrath said Mrs. Cook was shot with a .45 and that a slug was found near the body. A ballistics test was conducted to determine if the bullet came from Walker's gun.

Walrath related a story of lingering death for the young mother, how she struggled with her killer on the shale sides of the quarry, and how she tried to crawl back up to the road.

That is how Guinn found her—face upturned toward the road, hands clutching at the rocks on the steep quarry wall. Except for a brassiere found in an arroyo, she was fully clad.

Guinn once worked for the Los Angeles metropolitan water district, which laid lines thru this barren region.

"Only Place to Hide"

"I thought over all the places where a body might be hidden off the old Cajalco road," Guinn told a reporter. "The quarry was the only place to hide a body in a hurry."

Early this morning, Guinn decided to look for himself. He found the body, then flagged a carload of deputies who had Walker with them on a tour of the killing area.

Walker, stationed at the March air base, insisted he kept on driving after sideswiping the Cooks' car, and that he knows nothing about the murders.

BODY OF WIFE, 18, FOUND IN QUARRY

Hunch Leads to Discovery of Second Body

(The Associated Press)

Riverside, Calif., March 28 — A steel worker's hunch Wednesday brought searchers to the bullet-pierced body of a young mother whose husband was slain two days ago on a desolate lakeshore road.

Sheriff's officers continued to grill a husky 20-year-old Air Force sergeant about the double murder, in which the couple's infant son was left playing on a pink blanket beside his father's body.

The mother was pretty 18-year-old Doris Cook. She had been the object of a widespread search since the body of her husband, Richard Cook, also 18, was found sprawled on a little-used road near the Lake Matthews reservoir, about 10 miles south of Riverside.

Died in Agony

Robert W. Guinn, 23, a worker at the Kaiser steel mill in Fontana, found her body Wednesday. It had been tossed into a rock quarry two miles west of March Air Force base. She apparently died in agony.

Deputies said a preliminary examination showed Mrs. Cook had been shot under the right breast. Her husband was shot through

the abdomen, again through the back.

Held for questioning is Sgt. Lawrence J. Walker of Newark, N. J., who the sheriff's office said has admitted sideswiping the auto beside which Cook's body was lying. Walker is held on charges of carrying a concealed weapon—a .45-caliber automatic.

Ballistics Test

Chief criminal deputy W. W. Walrath said Mrs. Cook was shot with a .45 and that a slug was found near the body. A ballistics test was conducted to determine if the bullet came from Walker's gun.

Walrath related a story of lingering death for the young mother, how she struggled with her killer on the shale sides of the quarry, and how she tried to crawl back up the road.

That is how Guinn found her—face upturned toward the road, hands clutching at the rocks on the steep quarry wall. Except for a brassiere found in an arroyo, she was fully clad.

Guinn once worked for the Los Angeles metropolitan water district, which laid lines through this barren, sagebrush-covered region.

"I thought over all the places where a body might be hidden off the old Cajalco road," Guinn told a reporter. "The quarry was the only place to hide a body in a hurry."

Early Wednesday morning, Guinn decided to look for himself. He found the body, then flagged a carload of deputies who had Walker with them on a tour of the killing area.

Walker, stationed at the March air base, has insisted he kept on driving after sideswiping the Cooks' car, and that he knows nothing about the murders.

FOUND SLAIN—Mrs. Cook.

Mrs. Cook's Body Found In Quarry

Young Mother Slain Like Her Husband

RIVERSIDE, Calif., March 28 (AP) — A steelworker's hunch today brought searchers to the bullet-pierced body of a young mother whose husband was slain two days ago on a desolate lakeshore road.

Sheriff's officers continued to grill a husky 20-year-old Negro Air Force sergeant about the double murder, in which the couple's infant son was left playing on a pink blanket beside his father's body.

The mother was 18-year-old Doris Cook. She had been the object of a widespread search since the body of her husband, Richard Cook, also 18, was found.

Robert W. Guinn, 23, a worker at the Kaiser steel mill in Fontana, found her body today. It had been tossed into a rock quarry two miles west of March Air Force Base.

Held for questioning is Sgt. Lawrence J. Walker of Newark, N. J., who the sheriff's office said has admitted sideswiping the auto beside which Cook's body was lying. Walker is held on charges of carrying a concealed weapon—a .45 automatic.

Chief Criminal Deputy W. W. Walrath said Mrs. Cook was shot with a .45. A test was conducted to determine if the bullet came from Walker's gun.

Except for a brassiere found in an arroyo, Mrs. Cook's body was fully clad.

Doubt GI Guilty of Double-Murder

RIVERSIDE, Calif.—The technique of "the Big Lie" seems to be being invoked in the case of the Air Force sergeant who not only has been charged with slaying a young white married couple on March 26, but also with attempting to kill a white man on Feb. 24, and of kidnaping and criminally attacking that man's female companion.

Indications are, however, that officials seeking to pin the guilt of the unsolved crimes on 20-year-old Sgt. Lawrence J. Walker of Newark, N.J., will not be able to "get away with it," for on the scene are the commanding officer of March Field Air Base, where Walker is stationed; the local NAACP, the GI's loyal fiancee and his buddies in blue, all of whom believe him innocent of any crime.

Walker first was accused of fatally shooting Richard Cook, 18, as the latter stood beside his automobile, and of kidnaping and shooting Cook's wife, Doris, also 18, at an isolated rock quarry 14 miles from where her husband's body was found.

Kept Away From Inquest

Charges of murder were lodged against him at an inquest on Friday, from which the accused soldier was kept away, because of authorities' alleged fear that a possible public demonstration would be staged against him.

He is being constantly watched in his cell to guard against his committing suicide, it was stated by deputies, who added that they have taken away his belt and shoe strings to keep him from hanging himself.

NAACP Evinces Interest

The local NAACP had a representative at the inquest, who is to confer with the accused soldier and Sam H. Allen, the counsel obtained by his financee, Miss Charlene Simpson, on the case this week. He is also assured of the support of his commanding officer, who called him, "one of the nicest soldiers in the outfit."

The sergeant is charged with striking Mrs. Maund's escort, James R. Hicks, on the head with a gun, abducting her and criminally attacking her. The policeman said that Mrs. Maund has identified Walker as her assailant.

Friends Believe Him Guiltless

Meanwhile, a group of the soldier's friends are busy raising a defense fund for him, pointing out that all of the evidence amassed against Walker is "purely circumstantial," and that they have faith in his innocence on all the charges.

When Cook's body was found sprawled beside his automobile Monday a week ago, his 8-month-old son, Phillip, was found playing happily on a blanket nearby. The wife's body was not found until Wednesday, giving some proof to Walker's insistence that he knew nothing about the crime.

GI Charged With Slaying Young Couple

RIVERSIDE, Calif., March 29 (U.P.).—Lawrence Walker Air Force sergeant stationed at nearby March Air Force Base, was charged today with murdering Doris and Richard Cook, both 18, in the desolate Gavilan Hills, 11 miles east of here.

The 20-year-old airman was accused if five other counts ranging from kidnaping to assault with a deadly weapon.

The young husband and wife were shot down Monday while returning to their home near Los Angeles. Cook's body was found near his car. Beside it on a blanket lay his 8-month-old son, Philip, unharmed.

Mrs. Cook's body was not discovered until yesterday. It was found in a quarry about 10 miles from where motorists discovered her husband's body.

The complaint also charged the sergeant with kidnaping Mrs. Cook and with assault with intent to commit rape against her. Other counts charged him with abducting Mrs. Betty Maund of Riverside last February 24 and raping her.

The complaint also charged Walker with assault with a deadly weapon on Mrs. Maund's escort, James R. Hicks, at the time of her alleged kidnaping.

2nd Death Note Sent To Juror

Second Threatening Note Received by Woman Juror in GI Murder Case

RIVERSIDE, Calif.—A second vicious note threatening the life of juror Margaret Chance was received at Elsinore Friday morning warning her that she was going to get her "just dues."

Friday night a capacity mass meeting crowd (including scores of whites) bolstered the brave woman's courage by paying her a great tribute. It was Mrs. Chance who finally agreed to a "guilty vote" on former Sgt. Lawrence Walker, because she thought that was the only way to save an innocent man from the gas chamber.

Mrs. Chance was the lone colored member of the Elsinor jury that convicted former AAF Sgt. Lawrence Walker for the March 28 slaying of Richard and Doris Cook, both 18, a young white couple, for which he was sentenced to life in prison.

The second letter, which was postmarked "Laguna Beach," read in part: "If you are capable of thought (this I doubt) you will know that the Negro Walker is guilty and I hope your conscience will haunt you. But I wish the Negro Walker was in the South. He would get his. Wake up woman unless you get your just dues too."

Atty. Leon Branton, who brilliantly defended Walker, received a phone call in which a man warned: "You are getting too smart. You are just getting out of your place and better watch yourself."

Branton, however, declared that he has received over one hundred favorable calls mostly from whites.

PAID STANDING TRIBUTE

At the Municipal Auditorium meeting Mrs. Chance was overcome with emotion by the great standing tribute. She said she had done the best she could and that she finally voted the way she did to save his life. "While there's life there's hope," she said. Mrs. Chance said she still believed in Walker's innocence and would do anything manly possible to prove it. Over $538 was raised in cash and pledges to press the appeal of the life term which has been filed by Attys. Branton and Crispus Wright.

Young Mother Buried in Creek

Death Ends Dope Party

SAN FRANCISCO—Dope—fast becoming America's most wicked scourge—lay behind the gruesome tragedy which shocked the Bay Area last week when the body of Mrs. Barbara Jean Taylor, only 18 years old, and the mother of a two-year-old child, was dug out of the mud of a shallow grave in a creek near here. A longshoreman is being held for her murder.

Billy Jack Washington, 30, the longshoreman, told San Mateo County Sheriff Earl B. Whitmore that the young woman, a Berkeley waitress, had visited his apartment two days before her body was found, and that both had taken shots of heroin. He went to sleep, he told the sheriff, and awakened to find Mrs. Taylor unconscious.

BARBARA JEAN TAYLOR
. . . body found in creek

PANIC-STRICKEN

He said he became panic-stricken and tried to revive her; failing in which, he put her body under the shower on Friday night and left it there until Sunday morning, when he took it out in his auto and buried it—possibly still alive—in the creek where ot was found Saturday night.

He was picked up through identification of his cream colored auto, which a rancher said he received $5 on the Sunday to tow out of the mud, not far from where the young mother's body was found. Washington was booked on a straight murder charge.

Air Force Man Held in Murder

NAACP in Calif. to Defend Him

RIVERSIDE, Calif.—(ANP)—Lawrence Walker, 20, stationed at March Field Army Air Force Base was charged formally last week with the murder of a teen-agd white California couple and with attack of another white woman.

His alleged murder victims were Richard Cook, 18 of Maywood, Calif. and his wife, Doris, also 18. In addition Walker is accused of attacking Mrs. Betty Maund of Riverside on Feb. 24 and assaulting her male companion, James Hicks.

The charges resulted from an investigation launched when Cook's body was found beside his auto mobile on a highway in the Gavilan hills. He died of a bullet wound. Philip Cook, the eight-month-old son of the murdered couple, was found playing beside the auto, which showed signs of having been in a collision.

Identified by Mrs. Maund

The mother's body was found in a sandy arroyo near a quarry 11 miles away. She had been shot in the back. Walker was arrested when he visited an auto repair shop and asked for a rush repair job on a damaged fender of his auto. He was identified by Mrs. Maund who had attacked her.

The NAACP will fully support Sgt. Walker according to Franklin Williams, regional director of the NAACP here, and has given a big mass meeting at the Park Ave. Church in Riverside, Calif., in the sergeant's behalf.

Everette M. Porter, chief legal counsel for the Los Angls branch NAACP has volunteered to defend Walker in court. Assisting him will be Crispus Attucks Wright, Loren Miller, and Leon Branton, all of Los Angeles. (K)

NO VERDICT REACHED YET:

Jurors, Spectators Weep at GI's Murder Trial

RIVERSIDE, Calif. —Jurors and spectators alike were moved to tears in Criminal Court here Friday as counsel for a young Air-Force sergeant dramatically detailed how police had 'framed' him with the murder and criminal attack charges for which he is on trial.

At presstime Monday, however, the jurors—eleven women and one man—had still not reached a verdict although general feeling is that the Jersey - born soldier, 20-year-old Sgt. Lawrence Walker, will be acquitted.

The case went to the jury after 18 days of testimony during which the State failed to link Walker with the murder of a white couple, Doris and Richard Cook whose bodies were found on a lonely highway last March 26. Their infant child was nearby, unharmed. Mrs. Cook also had been criminally attacked.

Juror Weeps

Defense Attorney Crispus Wright made capital of the State's lack of evidence on Walker in his summation to the jury Friday. Mrs. Margaret Chance, only colored member of the jury panel, openly wept as he described the frame-up details. Hers were not the only wet eyes—other jurors and spectators too, had tears in their eyes as Wright declared:

"I will ruthlessly and thoroughly prove that the entire case is a frame - up. I charge that this plan was a plan evolved in the mind of Chief W. W. Walrath of the Riverside police.

"To him, Sergeant Walker was the logical suspect because he had been in an accident and had denied it. He thought he had 'just another colored boy' and nobody would believe him."

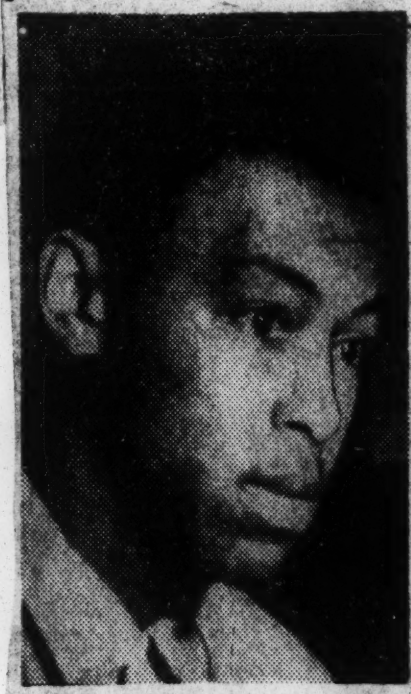
The defense attorney, whose handling of the case has caused many a white spectator to comment, "If I ever get in trouble, I hope I have as good a lawyer as that one!" then proceeded to analyze the prosecution's case."

It Can Happen Here

"Will you ladies and gentlemen of the jury convict an innocent man only to recall in later years that you were wrong?" he demanded of the weeping jury.

"How often have we witnessed the willful circumvention of justice in Africa, Asia and Europe? They say it can't happen here. I say it can happen here. And if it does, some of our hope in justice, religion, democracy will die with Sergeant Walker."

Defense attorney Leo Branton making his appeal to the jury explained that this was his first big trial.



SGT. WALKER

"I appeal to you humbly, ladies and gentlemen of the jury, that no trial lawyer has ever risen so convinced of the innocence of his client as I am this day.

Scores Dailies

"The Metropolitan newspapers attempted to convict Sergeant Walker before the trial started. Couple these newspapers with the over-zealous law enforcement agents and a politically minded district attorney and you have a fair picture of why Walker is here."

He stressed heavily the legal principle that it is the duty of the prosecution to prove the suspect guilty beyond a reasonable doubt, and charged that "it was absolutely impossible for Sergeant Walker to have committed the crime.

Branton went to the blackboard to have had the foresight to have and drew a clock to illustrate this picked up any available evidence impossibility. at the scene where Cook's body

The so - called evidence found was found — and yet that same near Mrs. Cook's body was "the killer, we are told, conveniently height of absurdity," he said. "Ev- left a cartridge case, a bullet, erything was so conveniently ar- and the bra with Mrs. Cook's ranged — the brassiere, the bullet body!"

four inches from it in clear, open With this, the defense rested its sight. case.

Defense Rests Case

The prosecution based its summation in the preposterous charge that anyone who would hit a car

"How is it possible for a killer

Recalls Officer's Sentence

District Attorney W. O. Mackey had flushed bright red and objected to Wright's reminder that just one week ago a Los Angeles sheriff's captain was sentenced to imprisonment for one to 15 years for perjury.

Judge Waite took an hour for his instructions to the jury. He charged them to consider heavily the testimony of the character witnesses. These witnesses had testified that "Larry was a perfect gentleman," had described him as being fine, decent, likeable, charming, honest and a good church member.

The Judge also stressed the importance of "reasonable doubt." If the jury in its deliberations found two pieces of evidence definite in favor of the defendant, and one uncertain, they were to rule in favor of the defendant, he told them.

Jury Asks 4 Questions

On Aug. 3, the jury retired to the jury room to deliberate. At 3 p.m. the jury requested that the judge answer four questions.

They wanted the evidence on the time element involved re-read. The judge ordered this done, and again impressed upon the jury that the slender young sergeant was seen entering the air-base from the opposite direction of Cajalco Rd. where Cook's body was found.

The second question referred to the exact time Cook was killed. That time was between 11:15 and 11:25 a.m. This is evidence of Walker's innocence, as it gives him about 20 minutes to have murdered Cook, removed his baby from the car, given the child a bottle, kidnapped Doris Cook, criminally assaulted and murdered her, and driven 19 miles over a stony, winding, narrow road, to deposit her body out on the desert — and return to camp!

Third, the jury wanted the fact that Doris Cook died "in the afternoon of March 26 and fourth, the testimony of the FBI gun expert on the identification of Walker's gun.

Jury Facts to Agree

At 10:30 p.m. Friday, the jury returned to the courtroom and the foreman said "It's useless. We cannot agree."

"At no time?" asked the judge."

"Yes."

"This has been a long and protracted trial," answered Judge Waite, and ordered the jury locked up to reconvene for further deliberation.

Negro defendant gets life sentence in death of white man, wife

RIVERSIDE, Calif., Aug. 6—(AP)—A young Negro Air Force sergeant, Lawrence Walker, may spend the rest of his life in prison for the slaying of a young mother and father on a lonely road.

A jury of 11 women and one man returned a verdict of first degree murder yesterday after 21 hours of deliberation. The jurors recommended that Walker be sent to prison for life. He will be sentenced Aug. 15.

The 20-year-old defendant was tried on seven counts and was convicted on four of them. The three counts on which the jurors could not agree involved the rape of Mrs. Betty Maund, 22, in a Riverside ball park last February and the pistol whipping of her escort.

Walker was convicted of shooting down Richard Cook, 18, on a desolate back road March 26; of kidnaping Doris Cook, also 18; of assaulting her with intent to rape her, and finally of murdering her, too, as she fought off his advances in an old rock quarry 11 miles from the scene of the first murder.

Young Cook's body was found sprawled beside the road. Near him lay his infant son, playing happily and unharmed on a pink blanket. Searchers discovered Mrs. Cook's body two days later, shot in the back.

Walker was arrested on the day of the slaying. In his car deputies found a .45 caliber automatic from which, the state charged, came the bullet that killed Doris Cook.

Walker's defense was underwritten by the National Association for the Advancement of Colored People. His lawyers, Crispus Wright and Leo Branton, wept openly on the courthouse steps after the verdicts were announced. They plan to appeal, they said, and failing this, will seek a new trial.

Walker, maintaining innocence from the beginning, admitted sideswiping the Cooks' auto on the desert road, but insisted that he drove on without stopping.

NAACP WITHDRAWS FROM MURDER TRIAL OF SGT. LAWRENCE WALKER IN LOS ANGELES COURT

Statement Issued Before Attorneys For Defendant Have Filed Appeal Papers in Case

LONE NEGRO WOMAN ON TRIAL JURY

By Harry Levette

LOS ANGELES — (ANP) — Because Everette Porter, local attorney for the regional NAACP, in the Walker murder case announced its withdrawl from it last week, there can be no authentic denial of this from other sources.

But nearly three months ago after an officer of the local NAACP branch had stated that in the face of FBI fingerprints, and other strong evidence, connecting Air Force Sgt. Lawrence Walker with the murders of Richard and Doris Cook, acquittal was doubtful, quite a "tempest in a tea-pot" arose.

Because a reporter released his statements, others hastened to deny them, inferring that the story had been falsely concocted. Now from Porter, himself, comes this statement verbatim:

"No civil rights, of which the NAACP should take cognizance, has been denied. It is my considered opinion that the subject of race in no wise adversely affected the verdict.

"The conduct of court attaches, the spectators, the judge who presided, and all in any manner connected with the cause was highly commendable. Hence I recommend that the NAACP take no further part in the case, because further participation can serve no useful purpose."

Porter took precaution to make official withdrawl before an appeal prepared by Walker's two remaining lawyers, had been filed. They are Crispus Wright, and Leo Branton Jr.

The history of the celebrated case began on the morning after Easter Sunday, when the body of 20-year old Richard Cook, was found on a lonely road near Riverside, his 20-year old wife Doris missing and their baby playing on a blanket near the parked car.

More than 24 hours later, his wife was found dead 11 miles from the spot in an abandoned

Walker had been arrested at March Field, where he was a sergeant in the air force, because of the circumstantial evidence of a gun in the trunk of his car, strands of her hair and yarn from her sweater, also found in his car.

After a 10 weeks trial, with one colored woman on the jury, he was pronounced guilty on the two charges of murder, and life imprisonment recommended

NAACP Withdraws from Walker Case; No Denials

BY HARRY LEVETTE

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13c 1951

D.C.

Pair Held for Grand Jury in Robbery-Slaying

By Harry Goodwin—The Washington Post

AT INQUEST—Frank Junior Proctor, 27-year-old dishwasher (right), and Albert Allen, 23-year-old Uline Ice Co. truck driver, both charged with murder in the fatal beating Saturday night of a Uline deliveryman, listen yesterday during hearing before a coroner's jury. In the background is their police guard, Vincent Jenkins

Beating Laid to Dishwasher

Uline Slaying Suspect Has 7-Arrest Record, Jury Told

Only two months after being released from jail, a husky dishwasher with a record of seven arrests bludgeoned a Uline Ice Co. deliveryman to death Saturday night, a coroner's jury was told yesterday.

Detective Sergt. Lloyd B. Furr recounted details of statements police say they obtained from two men charged with the murder. The dishwasher is Frank Junior Proctor, 27, of 1427 9th st. nw.

The jury held Proctor and his alleged accomplice, Albert Allen, 23, of 247 Warren pl. ne., for action of the grand jury in connection with the robbery and fatal beating of George Schomber, 39, of 728 22d st. nw., at the company garage. Allen is also a Uline truck driver.

Furr, a homicide squad detective, testified that Allen confessed he planned the robbery for about two weeks before calling on Proctor for help. It was Proctor who actually administered the beating with a heavy broken broom that caused Schomber's death seven hours later, Furr told the jury.

Both men told police that robbery was their sole motive, the detective testified. Their statements, obtained after both were arrested Tuesday night, indicate they selected Schomber as their victim because he handled "special orders" of ice and was expected to have more cash on hand at the end of the week, Furr added.

Testimony showed Allen got $43 and Proctor $37, while they used another $1 taken from Schomber's pockets for a half pint of whisky.

Proctor had been in jail seven times on assault, housebreaking, larceny and robbery charges when the slaying was committed, police records show. Most recently he was committed July 17 on charges of larceny, robbery and asault. The grand jury ignored the robbery charge. He was later sentenced to 90 days each, to run concurrently, on the other two counts.

He was released October 13 after serving his term. The next day he was jailed for 15 days on a disorderly conduct conviction. He was released October 23. Schomber died December 30 of injuries suffered in the beating.

The two suspects, arrested Tuesday after work, were taken to headquarters separately and questioned in separate rooms, police said. Tests disclosed dried blood on each, Furr declared.

After the men were confronted with this evidence and the fact their stories did not coincide, both issued oral and written statements admitting the crime, he testified.

Went by Taxi

On the basis of their statements, Furr gave to the jury this account of the crime and the subsequent arrest of Allen and Proctor:

Allen, after working all day Saturday, met Proctor at 9th and O sts. nw., and went by taxi to the Uline garage, Furr said. On arriving at the garage, Allen explained what Proctor was to do when Schomber returned from his route, Furr added.

While waiting, they bought a half pint of whisky, he went on. Their generosity in sharing it in an alley with two other Uline employes was a vital factor in their arrest, police reported later.

Allen, one of more than 30 employes questioned about the slaying, at first denied he was in the area at the time, Furr told the jury. He later admitted having been in the area but denied participation in the crime, Furr added. He said he had seen Proctor leaving the garage, however, and offered to lead police to him, the detective said.

Conflict Trips Allen

The two employes with whom they shared the half pint earlier had told police of seeing Allen and his friend. It was this conflict in the original stories that tripped Allen, police reported.

Allen and Proctor found a heavy push-type broom in the garage and broke it into two pieces, retaining part of the handle in the brush end to fashion a big hammer-like weapon, Furr told the jury.

Schomber returned and parked his truck in the garage. Proctor emerged from the shadows, struck him on the head as he dismounted from the cab, kicked him as he attempted to get off the floor and struck him a second time with the broom, Furr testified.

Robbed Schomber

Allen came over, patted the pocket where Schomber kept his receipts, and Proctor removed his billfold, the detective said.

Leaving Schomber unconscious, the two men took a taxi to the home of Proctor's "girl friend" in the 800 block of O st. nw., where they split the cash and bought another half pint of whisky, Furr testified.

Blair House Assassin Gets Death Penalty

Collazo Convicted By Jury as Killer Of Truman Guard

Illustrated on Page 31

WASHINGTON, March 7 (AP).—A Federal jury decreed death today for Oscar Collazo, who stormed President Truman's home Nov. 1 in the name of Puerto Rican independence.

Actual fixing of sentence is a Federal function in the hands of the judge, but the jury found the little 37-year-old revolutionary guilty on two counts of first degree murder. The law makes death in the electric chair mandatory on each such count.

GUARD SHOT TO DEATH

Both the charges were based on the death of Pvt. Leslie Coffelt of the White House guard, shot to death in the furious gunplay outside Blair House on Pennsylvania ave.

The Government itself conceded that the actual death bullet was fired by Collazo's accomplice, Griselio Torresola, also slain in the gunfight, but the jury agreed with the prosecution contention that participation in the crime made Collazo equally guilty.

By its finding on the second count, the jury rejected Collazo's plea that he and Torresola did not intend to kill anybody. Collazo's story was that they only wanted to make a demonstration in favor of Puerto Rican independence.

TRUMAN CALLED TARGET

The second count was based on the contention that Coffelt met death in defending the President against assassins who meant to kill Mr. Truman or anybody who stood in the way. On that issue the court had brought in on that charge under the court's instructions to the jurors.

The jury also convicted Collazo on two other counts of assault with intent to kill in connection with the wounding of Officers Joseph H. Downs and Donald T. Birdzell of the White House guard. A second degree murder conviction could have been

SLAYER UNSHAKEN

It took the jury of nine women and three men only an hour and 42 minutes to reach its verdict.

Collazo was smiling in apparent quiettal.

The first count more simply charged deliberate killing of the White House guard. A second degree murder conviction could have been

Collazo was still apparently unshaken as he was led back to jail. He smilingly whispered something to his wife, Rosa, as he went past her. She blew him a kiss but he was unable to respond because of his handcuffs.

Mrs. Collazo told reporters later

she had no statement to make.

Leo A. Rover, head of Collazo's court-appointed counsel, said he would appeal. He has five days for the customary motion for a new trial. Formal sentencing is not expected until after that motion has been disposed of. Then the appeals will go to the Circuit Court here and, presumably, to the Supreme Court if the first appeal fails. That means months before the sentence is likely to be carried out.

Collazo, testimony in the trial indicated, fired nine times in the melee, calmly reloading his P-38 pistol in the middle of the shooting. But his bullets hit home only once —in the right knee of officer Birdzell.

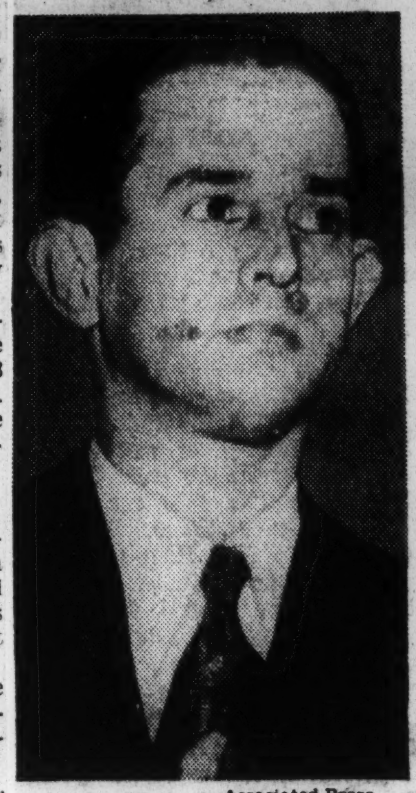
SLAIN BY DYING MAN

Torresola fired four shots into Coffelt's body as the guard sat in a booth in front of the Presidential residence. He also wounded Downs three times, and sent another bullet into Birdzell's other knee.

Coffelt, dying, managed to raise his pistol and fire a bullet into Torresola's brain. Torresola died alongside a Blair House hedge.

Collazo was wounded in the chest, but has recovered fully.

The Convicted Assassin and His Wife



Associated Press
Oscar Collazo

Herald Tribune—Acme telephoto
His wife at court yesterday

Collazo Gets Death In Plot on Truman

Puerto Rican Rebel Guilty In 1st Degree

Also Convicted in Death of Guard; Jury Is Out for 1 Hour 42 Minutes

By The Associated Press

WASHINGTON, March 7.—The death verdict was returned today against Oscar Collazo, thirty-seven, survivor of the two Puerto Rican revolutionaries from New York City who tried to shoot their way through President Truman's guards and assassinate him in his Blair House residence Nov. 1.

A Federal Court jury convicted him on two counts of first-degree murder. Each carries a mandatory sentence of execution in the electric chair.

One count charged that Collazo and Griselio Torresola, who was killed in the gun battle, attempted to break into President Truman's residence, with intent to kill the President or any one who might be guarding him.

The other charged murder of Leslie Coffelt, a guard who was slain in the battle between the Puerto Ricans and Secret Service men.

Nine Women on Jury

The jury of nine women and three men took only 1 hour 42 minutes to reach its verdict. It received the case at 3:40 p. m. and sent word at 5:22 that it was ready to report. There was a brief delay then until Judge T. Alan Goldsborough and other principals in the case could assemble in the courtroom.

Collazo, smiling as if confident, was brought into the court room at 5:30. He was the last of the waited-for principals.

Clerk Paul A. Roser asked the jurors whether a verdict had been reached.

The foreman, Mrs. Margaret Teachout, a middle-aged housewife, replied that it had.

"What say you as to the defendant Oscar Collazo on count one of the indictment, "Mr. Roser asked. (This was the Coffelt death count.)

"Guilty as charged," Mrs. Teachout said.

Mr. Roser asked as to three other counts in the indictment.

"Guilty as charged." Mrs. Teachout replied each time.

The two final counts—assault with intent to kill—were based on the wounding of officers Joseph H. Downs and Donald T. Birdzell of the White House police.

There was evidence during the ten-day trial that Torresola actually shot Mr. Coffelt. But under District of Columbia law one conspirator in a felony is held equally guilty with another.

In the final arguments, Leo A. Rover, head of Collazo's court-appointed defense attorneys, argued that there was "an absolute lack of murderous intent" on Collazo's part. He said Torresola went beserk.

Collazo's own version from the witness chair was that they merely intended to stage a demonstration in behalf of Puerto Rican independence. He said that they never had any intention of killing President Truman.

But United States Attorney George Morris Fay said Collazo and Torresola went to the White House with intent to assassinate President Truman and to kill anyone who stood in their way. The jurors accepted Mr. Fay's contention.

Judge Goldsborough instructed the jury it could convict Collazo of first or second-degree murder on the Coffelt count, or could acquit him. But under the second count, he said, the jury could return only a first-degree murder conviction or an acquittal. That was the charge of intent to kill the President.

In his testimony, Collazo complained of American rule in Puerto Rico, and blamed shootings there involving Nationalists upon the United States government.

Judge Goldsborough told the jury Collazo's view of the situation in Puerto Rico "has absolutely nothing to do with this case." He said: "Whatever may be the facts about the situation in Puerto Rico, the situation there must not be considered by you. The Puerto Rican situation is not involved in any manner in the trial of this case."

Collazo showed no apparent emotion at the verdict.

The actual sentencing, under usual practices here, will be delayed for at least two or three days.

As marshals led Collazo from the courtroom on his way to jail, he walked past his wife Rosa, forty-two, and smilingly whispered something to her. She blew him a kiss. Collazo could not return it because of handcuffs.

Defense attorney Rover told reporters he would appeal the verdict.

Crying for Help, Stabbed to Death

(The Associated Press)

Washington, July 12 — A man who pleaded in vain for help from scores of onlookers was stabbed to death Wednesday on a crowded downtown street.

He was Donald C. Beatty, Salisbury, N. C., Negro, who cried as he fled from a knife-brandishing pursuer.

"Help me, help me!"

Hundreds of persons en route to work were moving along New York ave., near 10th st., N. W., at the time.

But none intervened. Asked why, one man replied: "Would you have stopped him (the killer) with a knife in his hand?"

Witnesses said the knife wielder caught Beatty as he ducked behind a parked truck and fell in the gutter.

After stabbing Beatty repeatedly, the assailant stepped back to the sidewalk, calmly asked a bystander for a cigarette and stood there holding the knife until police arrived. It was a jackknife with a 2½ inch blade.

Police booked the man as Frank Williams, 32, also a Negro, of Salisbury, and ordered him held for action of the coroner. They said no motive for the killing was found immediately.

Collazo Sentenced to Chair For Blair House Murder

WASHINGTON, April 6—(AP)—Oscar Collazo, the fiery little Puerto Rican who tried to assassinate President Truman last Fall, was sentenced today to die in the electric chair October 26.

A White House guard, Leslie Coffelt, was mortally wounded in the blazing gunfire in front of Blair House, Mr. Truman's temporary home. And Collazo's companion, Griselio Torresola, was drilled through the head and killed by the only bullet the dying Coffelt was able to fire.

Collazo's lawyers announced that they plan to appeal the verdict.

Given the customary chance to have his say before sentence was pronounced, the 37-year-old Collazo cried:

"Anything that I have done I did for the liberty of my country. I insist, even unto the end, that we have a right to be free."

This jibed with the defense Collazo had made during the trial, that he and Torresola were only demonstrating for Puerto Rican independence when they tried to shoot their way into the Blair House last November 1.

"I still insist that my country be free," Collazo said.

And then looking straight at the 73-year-old judge, he said:

"I put my life in your hands, I have nothing further to say. Thank you, your honor."

Goldsborough previously had pointed out that he had no choice, after the jury's verdict, but to pronounce the death sentence. But, he said, he feels Collazo was clearly guilty of murder.

After Collazo's outburst, Goldsborough said he didn't doubt Collazo's sincerity, but he said he didn't see how conditions in Puerto Rico had anything to do with the crime here.

"The man you murdered never did you any harm," the judge said.

Goldsborough then pronounced the sentence, directed that Collazo be kept in close confinement, and said:

"And may God, in His infinite goodness, have mercy on your soul."

Collazo's wife, Rosa, who was in the courtroom throughout his trial, was here for the sentencing, too. She showed no emotion at Goldsborough's words.

COLLAZO IS GIVEN DEATH SENTENCE

Puerto Rican Who Tried to Kill Truman Faces Chair

By ARTHUR EDSON
(The Associated Press)

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This jibed with the defense Collazo had made during the trial, that he and Torresola were only demonstrating for Puerto Rican independence when they tried to shoot their way into Blair House last Nov. 1.

Collazo told Judge T. Alan Goldsborough that he wants the American people to understand that more than 65 persons have been killed and more than 200 wounded in Puerto Rico. He said he thinks this is due to American rule.

"I still insist that my country be free," Collazo said.

And then looking straight at the 73-year-old judge, he said:

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"I am sorry for you as an individual—very sorry for you," Goldsborough said. "The court doesn't have any doubt that you are morally and legally guilty of murder in the first degree.

"Th- -an you murdered never did you any harm."

13c 1951 D.C. (Legal Sentence)

Details of Shooting Revealed

3 Guards Identify Collazo As Blair House Assailant

By Benjamin Bradlee
Post Reporter

Two White House policemen and a Secret Service agent yesterday testified the Puerto Rican revolutionary, Oscar Collazo, was the man they shot at November 1 as they fought a wild attempt to assassinate the President in the Blair House.

One of the policemen, Pvt. Donald T. Birdzell, hobbled to the District Court witness stand to describe the wound he received in his knee from Collazo's automatic pistol.

According to testimony only one of the three officers, Pvt. Joseph O. Davidson, hit Collazo. He scored with a single shot to the chest which dropped the 37-year-old Nationalist on the steps of Blair House. President Truman was napping at the time.

Secret Service Agent Floyd M. Boring testified he fired twice at Collazo one bullet piercing the Puerto Rican's hat brim.

Collazo is being tried before a jury of 10 women and 2 men and Judge T. Alan Goldsborough on four charges. The first charge is the premediated murder of White House Police Pvt. Leslie Coffelt. Federal ballistic tests indicate Coffelt actually was killed by a bullet from the pistol of Collazo's confederate, Griselio Torresola, who in turn was killed by Coffelt. But under Federal law, any one aids and abets in the commission of a crime is guilty as a principal in that crime.

The second count charges Collazo with killing Coffelt while making an armed attempt to assassinate the President. The third count charges him with assaulting Birdzell with intent to kill. The fourth count charges him assaulting White House Police Pvt. Joseph H. Downs with intent to kill.

He faces the electric chair.

The second day of the trial moved rapidly. The Government introduced 29 exhibits into evidence, including seven pistols, bullet-ripped clothing and pictures of the scene of the mid-afternoon gun battle.

First Government witness was White House Police Pvt. Edward J. Tehaan, who attended police school with Coffelt nine years ago. He testified that he identified Coffelt's body at the morgue on November 2.

Any Could Have Been Fatal

Deputy Coroner Dr. Christopher J. Murphy testified he performed the autopsy on Coffelt's body and found three bullet wounds, one in the left chest and two in the stomach. "Any one of them would have been fatal," he said.

Dr. Jerome B. Harrell testified Coffelt died at Emergency Hospital, two hours after surgery was started to save his life.

Birdzell testified he first saw Collazo at 2:20 p. m. immediately after he heard a metal click.

"I saw this man holding an automatic pistol to his chest with both hands. Then a bullet hit me right here . . . in my right knee."

Returns Assailant's Fire

"I moved out into Pennsylvania avenue, drawing my revolver, and returned his fire. Then I felt a terrific blow on my left leg. The next thing I remember I was in a prone position on the street."

Judge Goldsborough asked Birdzell to identify his assailant. Birdzell limped down and placed his hand on Collazo's shoulder. Collazo remained calm.

James Wade, 1229 Girard st. nw., Blair House doorman, testified he saw Collazo during the shooting. The front door of Blair House was open, he said, and only the screen door was latched.

Seventh witness was Davidson. He testified he saw Collazo walk up to Birdzell and shoot him. "I drew my pistol and started firing," he said.

Ammunition in Pocket

Last witness, examined by Assistant United States Attorney John W. Fihelly, was Boring. "After we fired at Collazo," he said, "we saw him fall on his face. I kicked his gun away and found a full clip of ammunition in his pocket.

There was little cross examination by the defense. Collazo's lawyer, Leo A. Rover, reserved his opening statement.

United States Attorney George Morris Fay delivered the opening statement. Revealing for the first time the exact details, Fay told the jury the Government would produce an Emergency Hospital nurse to testify that Birdzell, when asked who had shot him, pointed to Collazo and said, "That joker, there."

Fay said another nurse asked Collazo: "Oscar, did you want to shoot our President?", and Collazo replied, "Yes. I'm a Puerto Rican Nationalist and I had to do it."

After the session, Fay gave reporters this box-score on the shots fired:

Torresola fired eight shots and hit with seven — three in Coffelt, three in Downs, one in Birdzell. Collazo fired nine rounds, and hit once — in Birdzell. Davidson fired five times and hit once — in Collazo. Boring fired twice and scored no hits. Downs fired no bullets. Coffelt fired once and killed Torresola. Birdzell fired five times after he was wounded but hit no one.

Doorman Witness At Collazo Trial

Associated Press Photo

JAMES WADE, doorman, who testified yesterday at the murder trial of Oscar Collazo that he saw Collazo during the shooting at Blair House

TRUMAN DEATH TRY DENIED BY COLLAZO

But Puerto Rican Nationalist Admits He Took Part in Blair House Shooting

By PAUL P. KENNEDY
Special to THE NEW YORK TIMES.

WASHINGTON, March 1—Oscar Collazo, Puerto Rican nationalist on trial for murder, admitted on the witness stand today that he had participated in the Nov. 1 shooting in front of Blair House but denied he had intended to kill President Truman, who was inside at the time.

Collazo took the stand this morning in the absence of the jury in an effort to prove that oral and written admissions of involvement in the shooting had been obtained from him under duress and therefore were inadmissible as evidence. Federal Judge T. Alan Goldsborough ruled, however, that a large part of the oral admissions could be submitted to the jury.

The defense' plan also backfired when the prosecution, over vigorous defense objections, was allowed to cross-examine the defendant on all phases of the affair. The defense insisted the cross-questioning should be restricted solely to whether the defendant gave his statements voluntarily or involuntarily.

Alleged Accomplice Slain

Collazo is on trial on a four-count indictment charging him and Griselio Torresola, another nationalist, with murder and attempt to kill. Torresola and a White House guard, Leslie Coffelt, were killed and Collazo and two guards were wounded.

Under the cross-examination of George Morris Fay, United States Attorney, Collazo admitted that he and Torresola had come to Washington the afternoon of Oct. 31 armed with pistols. Conceding that he exchanged shots with the guards in front of Blair House, he declared he shot to hit them but not to kill them.

"What were you trying to do?" Mr. Fay asked.

"We wanted to create a big demonstration to call attention of the American people to the condition of the Puerto Rican people," Collazo replied.

"Didn't you intend to shoot the President if he was in Blair House?" the prosecutor asked. The defendant denied this.

Collazo then charged he had been threatened three times in the hospital by officers trying to get a statement from him. He said that Maj. Robert J. Barrett, chief of metropolitan police, had addressed him with an offensive name and said, "You should be dead." Later, he said, an unidentified man had come into his hospital room and had threatened that "something might happen" to his three daughters if he did not make a statement.

Judge Goldsborough ruled that any statements made from the time Collazo entered the hospital until Major Barrett made his alleged threat would be admissible.

This opened the way for the prosecution to present to the jury tomorrow the testimony of Joseph J. Ellis Jr., secret service agent, who said Collazo, following his admission to the hospital, had told him he had intended assassinating the President. Mr. Ellis testified at length this morning also in the absence of the jury.

Collazo and Torresola, Mr. Ellis said, did not take the trouble on the night of their arrival to look for Blair House. They located it on a telephone directory map shortly before the shooting, he said. Collazo, Mr. Ellis said, consistently denied that any members of the Nationalist party other than he and Torresola were involved in the plot.

Mr. Ellis denied that any of the statements, so far as he knew, had been obtained by threats or promises.

Puerto Rican Guilty On Two Murder Counts

WASHINGTON, March 7.—(AP)—A federal jury decreed death Wednesday for Oscar Collazo who stormed President Truman's home Nov. 1 in the name of Puerto Rican independence.

Actual fixing of sentence in a Federal court is in the hands of the judge but the jury found the little 37-year-old revolutionary guilty on two counts of first degree murder. The law makes death in the electric chair mandatory on each such count.

Both the charges were based on the death of Private Leslie Coffelt of the White House guard, shot to death in the furious gunplay outside Blair House on Pennsylvania Avenue. The government itself conceded that the actual death bullet was fired by Collazo's accomplice, Griselio Torresola, also slain in the gunfight, but the jury agreed with the prosecution contention that participation in the crime made Collazo equally guilty.

By its finding on the second count the jury rejected Collazo's plea that he and Torresola did not intend to kill anybody. Collazo's story was that they only wanted to make a demonstration in favor of Puerto Rican independence.

The second count was based on the contention that Coffelt met death in defending the President against assassins who meant to kill Mr. Truman or anybody who stood in the way. On that issue the court had given the jury only the choice between first degree murder and acquittal.

The first count more simply charged deliberate killing of the White House guard. A second degree murder conviction could have been brought in on that charge under the court's instructions to the jurors.

Two Other Counts

The jury also convicted Collazo on two other counts of assault with intent to kill in connection with the wounding of Officers Joseph H. Downs and Donald T. Birdzell of the White House guard.

It took the jury of nine women and three men only an hour and 42 minutes to reach its verdict. It took the case at 3:40 p.m., E. S. T., and sent word at 5:22 that it was ready to report.

Collazo was smiling in apparent confidence when he was brought to hear his fate.

The jury foreman, Mrs. Margaret Teachout, a middle aged housewife, reported the verdict on each count under prompting from the clerk.

Collazo was still apparently unshaken as he was led back to jail. He smilingly whispered something to his wife, Rosa, as he went past her. She blew him a kiss but he was unable to respond because of his handcuffs.

Mrs. Collazo told reporters later she had no statement to make.

Leo A. Rover, head of Collazo's court-appointed counsel, said he will appeal.

He has five days for the customary motion for a new trial. Formal sentencing is not expected until after that motion has been disposed of. Then the appeals will go to the circuit here and, presumably, to the Supreme Court if the first appeal fails. That means months before the sentence is likely to be carried out.

Hit Home Only Once

Collazo, testimony in the trial indicated, fired nine times in the melee, calmly reloading his pistol in the middle of the shooting. But his bullets hit home only once—in the right knee of Officer Birdzell.

Torresola fired four shots into Coffelt's body as the guard sat in a booth in front of the presidential residence. He also wounded Downs three times, and sent another bullet into Birdzell's other knee.

Coffelt, dying, managed to raise his pistol and fire a bullet into Torresola's brain. Torresola died alongside a Blair House hedge.

Collazo was wounded in the chest, but has recovered fully.

In final arguments Wednesday Attorney Rover told the jury there was "an absolute lack of murderous intent on Collazo's part." He said Torresola went beserk.

Earlier Collazo had told his own story from the witness stand that the pair did not intend killing.

In his testimony the Puerto Rican Nationalist complained of American rule in the island territory. He blamed shooting of his fellow Nationalist Party members there on the U. S. Government.

U. S. Judge T. Alan Goldsborough, however, told the jury that Collazo's ideas about conditions in Puerto Rico have "absolutely nothing to do with this case."

Sentenced to Die In Guard's Slaying

Associated Press Photo

OSCAR COLLAZO
Condemned to electric chair

October 26 Set as Collazo's Death Date

Sentence Pronounced For His Killing of White House Guard

Puerto Rican Nationalist Oscar Collazo was sentenced yesterday to die in the electric chair October 26 for killing a White House guard during an attempt to assassinate the President last November 1.

District Court Judge T. Alan Goldsborough actually sentenced Collazo to be electrocuted twice, once for each count on first degree murder on which a jury convicted him March 7. The death penalty is mandatory under District law.

Collazo also received two 15-year jail sentences for assaulting two other White House guards with intent to kill during the assassination attempt.

White House Police Pvt. Leslie Coffelt was murdered in the Blair House gun battle, and Officers Donald T. Birdzell and Joseph H. Downs were seriously wounded. Collazo's accomplice Griselio Torresola was slain in the shooting.

Time for Appeals

The autumn electrocution date was set to allow time for expected appeals to the courts and to President Truman.

Collazo defiantly insisted he had acted "in the cause of liberty," when he was asked if he wanted to say anything before he was sentenced.

Occasionally turning away from Judge Goldsborough to face an almost empty courtroom, Collazo said:

"Anything I have done, I still insist to the last I did it for a just cause, for the liberty and independence of my people.

"I'm not pleading for my life now, your honor," he said with his heavy accent, "I'm pleading for my cause. Even if I were to die today, I know the American Government has power to kill me, the same way they had power to kill 65 Puerto Ricans and seriously wound more than 250 others during the years."

Wife Stands By

"You'll never be able to kill the ideas which I stand for," he concluded. During the trial Collazo, 37, consistently claimed he and Torresola planned only to stage a demonstration for Puerto Rican independence, not to kill.

Mrs. Roza Collazo of New York watched her husband as he was led off to the District Jail and its death row.

"Good by, my dove," she said without crying as he was led down the hall handcuffed to two deputy marshals. And she blew him a kiss. She told reporters she would stay "side by side" to her husband's ideas.

Puerto Ricans Express 'Shock' at Shooting

At the White House yesterday President Truman was presented with a letter signed by 119,000 residents of Puerto Rico. They said they were "shocked and indignant" at the attempt on the President's life. The letter weighed 57 pounds.

White Bronxite Accused

Slaying Arouses Miamians

By JOHN A. DIAZ

MIAMI BEACH, Fla.—A wave of indignation from Miami's Negro section has swept through this resort town as a result of the fatal shooting of a car washer here last Thursday.

Charged by police with first-degree murder of Johnny Benjamin Smith of Miami, is Edward Coco of the Bronx, N. Y., former manager of Rocky Graziano, ex-middleweight champion.

Herbert Williams of Miami gave police the only eyewitness account of the shooting which took place about 7 A. M. last Thursday.

STOOD OVER BODDY

Williams said he and Smith were washing cars in front of an apartment when Coco and a young woman drove up and parked.

The couple greeted Smith who asked Coco if he could pay him money due him for car wash jobs, Williams said. The couple then entered their apartment house at 6941 Bay Drive.

A few moments later, Coco came out and went to his car, according to Williams' statements to detectives. An instant later, his report said, he fired two shots at Smith, and a third as the victim staggered away from a car where he was working.

Then, Williams testified, Coco stood over Smith after he fell to the roadway, and pumped two more shots into his body.

ACCUSED ASLEEP

Detectives William Murray and V. G. Miller were the first to reach Coco's apartment which was locked. With a skeleton key they entered and found Coco asleep.

The officers arrested him and a woman in the room who later reportedly identified herself as Rosalie Plas, 35, of New York City.

Detective Capt. C. W. Pierce said Coco showed signs of heavy drinking. At headquarters, Coco refused to take a drunkometer test and denied he had any part in the fatal shooting. Pierce said Coco put the blame on Williams who is being held as a material witness but with no charge against him.

The woman, Pierce said, told him she was Coco's comomn-law wife and was booked for general investigation and held without bond. Among her personal effects was $7,425 in currency.

POLICE NOT SATISFIED

There also was a Miami police summons issued to her on a charge of speeding at 3 A. M. Thursday, Pierce reported.

Police were not satisfied fully with the explanation of the shooting. Pierce said a .32-calibre revolver was found in a garbage can at the rear of the apartment.

"But we are not convinced that it is the murder weapon," Pierce said.

Coco, with two other men, was managing Graziano in 1947. at the time of a notorious "fixed" bout scandal, it is reported. Police at Miami Beach said he was planning to arange a bout for another fighter in the city auditorium in about three weeks.

Policeman Killed In Gun-Battle

MIAMI — (INS) — A 27-year-old Miami Negro policeman was shot to death Friday in a gun battle with another Negro who police were about to pick up in a roundup of vagrants in the city's Negro section.

Patrolman Leroy Lafleur died only a short time after he was shot twice in the chest. His slayer escaped, but officers said he may be wounded from one of three shots Lafleur fired at him before going down.

Two AF corporals arrested, accused of killing taxi driver

PENSACOLA, Fla., July 12—(AP)—The FBI early today announced the arrest of two Air Force corporals on charges of murdering Doyle F. Heard, 22, Fort Walton taxicab driver.

One of the men, Corp. Kenneth Elmer Hawkinson, of Milwaukee, Wis., surrendered to police at Nashville, Tenn. The other, Corp. Raymond Everett Scales of Hoopeston, Ill., was apprehended on a bus at Crestview, Fla.

Charges of first degree murder on a government reservation were filed here by U. S. Atty. Earl Hoffman.

Heard was found shot to death in a wooded area on the Eglin Air Force base reservation north of Fort Walton July 2. His body lay about 50 yards from his cab.

JOHN K. MUMFORD, agent in charge of the FBI office at Mobile, Ala., said Hawkinson and Scales had admitted the slaying in statements to officers at Nashville and Crestview.

Scales was brought to the county jail here. Hawkinson has been turned over to FBI agents to be moved to Pensacola.

Mumford said Scales told his agents this story:

Scales and Hawkinson went on a drinking spree the night of July 1 and engaged Heard's cab at Fort Walton to carry them back to Eglin AFB.

En route back, Hawkinson suggested they take Heard's cab from him. Hawkinson pulled a pistol and forced the driver to go with him into the woods.

Scales heard shots. Hawkinson came back, saying the cab driver had resisted him and in the scuffle Hawkinson nicked himself in the leg with his own pistol.

Unable to find the keys to the cab, they walked back to the base. On July 7 they went AWOL.

World War Vet Slain Companion Assaulted

Four deaths, one of them listed as a homicide — and the other three suspected poisoning — numerous aggravated assaults — Atlanta had them all during the week-end, October 20, 21, 22, as the local crime rate possibly climbed at a rapid pace after a comparably mild five days.

LISTED AS MURDER-RAPE

Four suspects were held Monday by Atlanta police on charges of murder and rape of a couple they reportedly attacked early Sunday morning in a vacant lot near Haynes and Mitchell Streets, S. W.

The crime, first reported as the finding of an unidentified assault victim, was investigated Sunday night and Monday morning after officials learned the dead man's female companion had been criminally assaulted.

The dead man was later identified as Joe Junior Ward, 26, of 479 Hunter, N. W. He was also listed as a veteran of World War II. His mauled body was first discovered lying at a filling station at 432 Mitchell Street, S. W. His wounds reportedly consisted of stab inflictions in the left side of the groin and chest; cuts across the lower hip and chin and left side of the neck.

Homicide Detectives J. W. Ellington and J. A. Preston said they arrested four men in connection with the homicide. They were listed as: James Osborne, 23, 23 Electric Ave., S. W.; Roy Strickland, 18, 486 Stonewall St., S. W.; Johnny Smith, 18, 312 Hills Ave., Apt. 8; and Emory Williams, 18, 85 Postell St., S. W.

The four youths reportedly were identified by the victim's 35 year old companion who was quoted as saying they criminally assaulted her after leaving Ward's body lying at the filling station.

The detectives said the four men were alleged to have attacked the couple at approximately 3:05 a. m. Sunday as they walked across a vacant lot at Haynes and Mitchell Streets, S. W. The woman was later examined at Grady Hospital. She was also quoted as saying the men told her they would harm her if she reported the incident to authorities.

Jury Decides Sheriff Clear In Negro Death

EUSTIS, Fla., Nov. 10 (AP).—A Lake County coroner's jury Saturday night ruled that Sheriff Willis McCall was justified in shooting to death his Negro prisoner, Samuel Shepherd, Tuesday night.

The verdict said:

"Samuel Shepherd came to his death by gunshot wounds at the hand of Willis V. McCall. The said shooting was justifiable by reason that McCall was acting in line of duty and in defense of his own life."

Shepherd was killed and a fellow Negro prisoner, Walter Lee Irvin, was wounded by Sheriff McCall while he was transporting them to Tavares for a hearing on a retrial.

McCall said he shot the pair—sentenced to death in the first trial on charges of raping a young white farm wife—after they attacked him in an escape attempt.

Dramatic testimony was given by J. J. Elliott, a special investigator. Elliott took the coat McCall was wearing the night of the shooting and pointed out two powder burns on the inner part of the sleeve close to the cuff.

"If that coat was on a man, the man had his arm all doubled up," he said.

"You can see how close the man who fired came to shooting his elbow off, which shows there was some kind of a struggle."

Elliott demonstrated how, in his opinion, the left arm of the man wearing that coat would have had to be twisted up about in front of his face when the shot was fired.

FBI to Continue Probe Despite Jury's Clearing of Sheriff

EUSTIS, Fla. — Although a Lake County Coroner's Jury has cleared Sheriff Willis McCall in the killing of Samuel Shepherd, 23, and the wounding of Walter L. Irvin, 23, the FBI has announced that it will continue with its investigation of the case until it is satisfied.

There is no more evidence to be turned up. Immediately after the jury's verdict, Irvin who had been confined to a local hospital since the shooting, was transported in an ambulance to the State prison farm at Raiford, convoyed by State Highway Patrol units.

In a sworn statement, Irvin who was shot three times, declared that McCall shot him and Shepherd in cold blood. McCall testified that it was self defense.

SHERIFF IN TROUBLE OVER KILLING, Tarvares, Fla.: Sheriff Willis McCall (left) is under investigation by the U. S. Attorney General and by a grand jury for killing Samuel Shepherd (right) and wounding Walter Irvin (third from left) when they supposedly tried to escape. The two victims along with Charles Greenlee (center) were defendants in Florida's "Little Scottsboro Case".

JURY CLEARS SHERIFF IN NEGRO SHOOTINGS

Finds He Acted In Line Of Duty In Killing Florida Rapist

EUSTIS, Fla., Nov. 11.—(UP)—Authorities here Sunday called off all investigation of the shooting of two accused Negro rapists after a coroner's jury found Sheriff Willis B. McCall acted in self defense adn "in the line of duty."

There was a chance a special grand jury session would be called to inquire into the death of one of the Negroes and the wounding of the other, and the FBI continued a separate investigation.

The jury—composed of a Methodist minister, three citrus growers, a contractor, and the woman editor of a weekyy newspaper—found McCall free of all blame in the gunplay.

Circuit Judge Truman Futch of Leesburg, Fla., said the question of whether a special grand jury will be called is yet to be decided.

McCall told the coroner's jury he shot the two Negroes—Walter Lee Irvin and Samuel Shepherd, both 23—when they "started knocking me down" and trying to escape while he was escorting them to a county jail from the state prison at Raiford, Fla. Shepherd died.

Irvin, seriously wounded, testified from his bed at the hearing in a hospital lobby that neither he nor Shepherd tried to escape.

U.S. to Probe Shooting of Two Negroes

EUSTIS, Fla., Nov. 7 (AP).—The Justice Department Wednesday ordered an investigation of the shooting of two Negroes who had been granted a new trial for the rape of a young white farm wife.

The United States Supreme Court had reversed a 1949 decision which sentenced the pair to death.

Sheriff Willis B. McCall admitted the shooting and said it was self-defense.

One of the Negroes, Samuel Shepherd, 23, was killed and his companion, Walter Lee Irvin, also 23, was seriously wounded.

They were being taken to Tavares near this little Central Florida town for a hearing on two motions in connection with a retrial.

McCall said the pair attacked him when he stopped to fix a flat tire.

The sheriff was ordered into a hospital by a doctor who said McCall was suffering from shock and had been under treatment for a heart ailment several years.

The Justice Department's investigation was ordered by Atty. Gen. J. Howard McGrath in Washington. Department officials will seek to determine whether any violation of federal statutes is involved.

When word spread in July, 1949, that a 17-year-old girl had been raped, racial violence broke out in Groveland about thirty miles southwest of here.

A third Negro, Charles Greenlee, was convicted with Shepherd and Irvin but the jury recommended mercy because of his youth. His case was not appealed and he is serving a life sentence.

A fourth Negro suspect, Ernest Thomas, was shot to death by a posse near Greenville—150 miles northwest of Eustis—several weeks after the rape.

In New York Wednesday, a spokesman for the National Association for the Advancement of Colored People said President Walter White had telegraphed President Truman asking for an investigation of the Eustis shootings "by every appropriate government agency."

The CIO convention in New York was told of the shooting by United Auto Workers President Walter Reuther who said "This is not the first time a Negro prisoner was shot because he was alleged to have tried to escape."

He said Communists used such instances as the Florida shooting for propoganda purposes and demanded that both political parties take active steps to carry out civil rights programs.

Electric Chairs Busy In Dixie

BY JAMES B. LaFOURCHE

NEW ORLEANS, La.— (ANP)— Executioners in Dixie, particularly in Louisiana and Mississippi are having a field day; and there's no telling when the melee is going to end.

With James Honeycutt (La.) out of the way, and Willie McGee (Miss.,) in the cold, cold ground, both alleged rapists, officials in these two states appear to be on the warpath to strap other Negroes in the electric chair.

Next slated for the death march is Charles Holmes, Belzoni, Miss., who was convicted and sentenced to die, for the slaying of a white man, L. B. Traweek.

Attys. for Holmes were granted a new trial by the State Supreme court when the latter tribunal upheld Holmes' testimony that he was "put on a horse" to make him sign a statement.

In prison terminology putting a man on "a horse," consists of lashing his wrists and ankles together then suspending him from a pole inserted between them.

The higher court ruled that the state had not offered sufficient evidence to counteract Holmes' claim and ordered a new trial. It took the new jury 40 minutes to decide that Holmes should get the electric chair.

Shaeffers Gone

Lovel Shaeffer, who along with Otis Wilkerson, allegedly murdered a white Yazoo County night club operator during October, 1949, died in the electric chair July 12. Gov. Fielding L. Wright was petitioned last week to intercede on behalf of the doomed man but refused. Wilkerson was electrocuted some time ago.

Schaeffer strapped into the chair and the juice turned on at 12:15 a. m. Five minutes later he had satisfied the lust of the executioner and those in whose interest he threw the switch.

Negro ministers from Yazoo City and Belzoni, conferred with the doomed man before he went to the chair. Officers said Schaeffer "walked up to it (the chair) and sat down, just like he was getting comfortable for a nice long rest.

The sheriff reported "his eyes glassy, and he bore a blank look."

PETE STRINGFELLOW NEXT

Next headed for that trip from which no traveler ever returns probably will be Pete Stringfellow, 46, Winston County Negro.

Pete was to have gone on trial Friday, July 13, for the Feb. 20 slaying of William Ernest Haggard, white farmer of the Union Ridge community. Stringfellow was arrested three days after a manhunt in Winston and Nuxbee Counties.

NAACP Request to Georgia Board

Ingram Parole To Be Sought Within 10 Days

MRS. ROSA LEE INGRAM
... NAACP application for her parole almost ready

By WILLIAM A. FOWLKES JR.
(Georgia Staff Correspondent)

ATLANTA—Formal application to the Georgia Pardon and Parole Board for Mrs. Rosa Lee Ingram's freedom will be made in a few days.

Atty. A. T. Walden, Georgia NAACP counsel, confirmed last week that his office was preparing the application for presentation within "a week or the next ten days."

PRESSURE STILL ON

Ordinarily Mrs. Ingram and her sons, Wallace and Sammie Lee, would not be eligible for parole until August, 1955, seven years after conviction for the rural Schley County slaying of John Strafford, white tenant farmer. However, pressure for Mrs. Ingram's release has never let up.

Convicted in a quick trial on charges of murder, Mrs. Ingram and her sons faced death in the electric chair for several months before their sentences were commuted to life imprisonment in a new trial hearing.

In the original trial, Mrs. Ingram was not allowed to bring out her later claim that Strafford attempted to force his attentions on her, and, rebuffed, attacked her with gun in hand in an adjoining field. Strafford died from having been struck with a blunt instrument in the field fight where Mrs. Ingram was joined in self-defense by her sons.

MANY PETITIONS

The Ingram application for parole will be accompanied by several lists of petitioners, numbering into the thousands, and including Georgians of every section of the state. Several hundred petitions, letters and telegrams already are in the Ingram file of the Pardon and Parole Board. These are from every state in the union, and some were sent from foreign countries which read of the internationally publicized case.

Now at Tatnall State Prison at Reidsville, Mrs. Ingram is comparatively in hale condition, despite a reported chronic heart ailment. A model prisoner, she is given light prison duties because of her illness.

Mrs. Ingram continues highly concerned about her children and their home status. She wants to get out of prison to mother and care for them, as she was doing in 1946 when her alleged defense of honor resulted in an unfortunate tragedy.

QUERY MAN'S WIDOW

Several weeks ago welfare workers, with the blessings of the Georgia NAACP, are understood to have approached the widow of Strafford on her attitude toward Mrs. Ingram's release. Her feeling has been described as not in opposition to Mrs. Ingram's freedom, although she reportedly wants the boy who struck the fatal blow further punished.

The Ingram children live in a house purchased and supported by the contributions from all over America. Located near Americus, the household is supervised by Mrs. Ingram's oldest daughter, Mrs. Geneva Rushin. The Americus branch of the NAACP channels finances for the children. It is understood that between $50,000 and $80,000 was contributed to the Ingram legal defense and care by interested citizens.

23-Year-Old Atlantan Found Guilty Of Slaying Sister

John Henry Thornton, who was convicted Monday of slaying his sister during an argument, was sentenced Tuesday to die in the electric chair on December 28.

His attorney, court appointed William Gower immediately filed a motion for a new trial. The date for the hearing was set as December 12.

A verdict of guilty to the charge of murder was returned late Monday afternoon by an all white jury, that deliberated nearly two hours before reaching its decision. A poll was taken minutes after the verdict was announced by Assistant Solicitor Frank French, revealing that the guilty verdict was unanimous.

The prosecution was aided by Attorney Reuben Garland, who said he was hired by the defendant's grandmother, Mrs. Polly Petty. Garland charged that the motive for the slaying was an "abandoned and malignant heart," outraged because his sister gave a pot of peas to her husband after Thornton ordered her not to.

Attorney Garland stated that there was also an indictment against Thornton for assault with intent to murder. This indictment allegedly charged him with shooting at his sister's husband after he fatally shot her.

Mrs. Evanna Teamer, 27, of 260 Fairfax Street, N. E., was shot on May 30 and died early on June 1, police said.

Police records reveal that this is the first time during recent years that a Negro in Georgia has received the maximum penalty for killing another Negro.

Homicide Squad Detectives J. W. Ellington and J. A. Preston, who had charge of investigation, reported witnesses said Thornton killed his sister at the home of their grandmother.

RESENTED VILE EPITHET:

GI on Overseas Furlough Beaten by Ga. Cop, Jailed

Afro American Sat. 10-27-51 12-c 9a

MACON, Ga. — Why a Federal law to protect our men in uniform is critically needed in this nation was dramatically exhibited here last week when a 21-year-old soldier here on an overseas furlough was knocked down by a policeman when he objected to being called a "n. . .r" then given a 112-day jail sentence.

Also jailed with this soldier for a term of 52 days was his buddy, whom the officer said interfered with him while he was arresting the first soldier.

Resented Driver's Insult

Sufferer of the beating and the longer jail term was Pvt. Robert Robinson, who was knocked down on a bus while en route to Montgomery, Ala., from Camp Gordon, Augusta, Ga., with his friend, Pvt. John B. Johnson of Greenville, Miss.

Private Robinson told Recorder Roy B. Rhodenhiser that when the bus reached Macon, he asked the driver, R. O. Sanders, about a bus schedule and Sanders responded: "Why do I have to explain everything to a "n. . . .?"

When the soldier asked the bus driver why he had to call him such a name, the man called a policeman lounging about the station who jumped on the bus and knocked Robinson to his knees when he told the officer he objected to being called a "n. . .r."

Policeman a Lieutenant

The officer, identified as Lt. B. B. Mcahee, said that when Robinson objected to being called the epithet he reached into his pocket and he was "forced to strike him" with his fist.

The lieutenant said he was forced to arrest Private Johnson because "he kept asking me why Robinson was being arrested and interfering with the arrest by his questions."

No Mercy Shown GIs

The recorder, after hearing this testimony, sentenced Robinson to 52 days or a $26 fine on a disorderly conduct charge and 60 days or $51 on a charge of resisting arrest.

Johnson's sentence was 52 days or a fine of $26 on the charge of interfering with police. As neither soldier had the money to pay the fines, they were placed in jail cells.

Four Homicides, Six Assaults Give City Violent Week-End

BY GEORGE COLEMAN

Atlanta witnessed what may be one of its bloodiest week-ends during the past four days, when a series of violent actions were climaxed with a total of four homicides and six assaults that brought the city's crime blotter a total of 32 homicides for the year.

The late crime wave began late Friday night when the first homicide — reported in Saturday's Atlanta World — took place, along with two assaults. Crime records revealed Monday that the total of April killings for 1951 more than doubled the monthly total for 1950. There were five for April, 1950 and 12 for April, 1951.

The latest two homicides happened less than an hour apart. One of them involved an outraged wife, while the other reportedly was the result of a fatal disagreement between families.

WIFE STRUCK BACK-11:24 A. M.

Ed. Evans, 45 year old resident of 756 Terry Street, S. E., was stabbed fatally Sunday morning, Homicide Detectives Lieut. L. T. Bullard and W. M. Holland reported.

Police arrested Mrs. Pearl Hill, 49, of the same address, and reported she confessed to the stabbing. The officers reported that both had been drinking, and that Evans was stabbed over the heart. Mrs. Hill reportedly turned the fatal knife over to the arresting officers.

Evans was found lying in the front bedroom of the house on his right side with both legs drawn up beneath him. He was fully clothed except for his shoes. Mrs. Hill was sitting on the side of the bed.

The woman was quoted as confessing to the deed. Here is her story:

According to Mrs. Hill, Evans, her husband, had been beating her that morning. She went out on the porch to get away from him, but he followed her, slapped her and spit in her face. She added he had his knife in his hand, which she took away from him.

The statement continued that Evans then went inside the house and locked the door. Later she beat upon the door until he opened it. Then he grabbed her in the front of her dress and hit her. Mrs Hill said it was then that she stabbed him. He staggered back over the settee and fell over it to the floor. Her daughter came in and left.

When the officers came, Evans social security card and money amounting to $2.72 were given to Mrs. Hill. She was then arrested and booked on suspicion of murder.

BETWEEN TWO FAMILIES

10:50 A. M.

Robert Byrd, 24, of 33 Hillard St. was shot fatally Sunday in the back yard of an eye witness on English Avenue, N. W., Lt. L. T. Bullard and W. M. Holland reported.

Held in connection with the shooting was James Bolton, 21 year old resident of 817 North Ave., N. W. The witness was listed as a long time friend of Bolton, who reportedly was in conversation with him when the gun play started.

Listed as Jesse James, of 557 English Ave., the witness made a written statement saying he and Bolton were in his back yard talking when Byrd got out of a car, entered the yard and stated:

"I am ready to settle it now."

James added that Byrd had his hand is his pocket as he spoke. Then Byrd and Bolton reportedly faced each other and stepped back. Bolton drew a pistol from his pocket and fired. Byrd reportedly staggered over to the side of the house and asked:

"Somebody call a doctor."

James stated that Bolton told him, "I will call the ambulance and the police too!" The officers said that Bolton remained until officials arrived.

When Bolton was interviewed he told the officers the battle was an outgrowth of his father's shooting Byrd's father on Easter Sunday outside the city. Byrd's father died. Bolton reportedly added that Byrd and three men had attempted harming him a week ago, but he ran away. Since that time he carried a gun because he was afraid he would be attacked.

FRIDAY AND SATURDAY HOMICIDES

The other two killings—previously reported by the Atlanta World—took place Friday night and Saturday morning. The two victims were James Garnett, 32, of 380 Buchanan Street, N. E., and John Henry Baker, 28, 88-A Ripleys Alley, N. W.

SIX ASSAULTS

1. Dets. W. S. Acree and J. M. Pack reported that Miss Julia Mae Banks, 22, of 62 Glenn Street, S. E., was stabbed in the right side of her stomach Saturday during an alleged argument over "boyfriends." A woman listed as Ruth Simpson, and Ruth Jones, of 641 Eustace Street, S. E., was held as a suspect.

2. Miss Dorothy Fletcher, of 732 Smith Street was stabbed Friday night. Both Miss Fletcher and Mrs. Nora Oliver, of 475 Linden Avenue, were arrested according to Patrolmen C. Mundy and E. H. Lyons. Miss Fletcher was held for disorderly conduct-fighting, while Mrs. Oliver was held for disorderly conduct-stabbing, and resisting arrest.

3. A complaint was made to Atlanta police Saturday by Mrs. Lovella Williams, of 443 Washington Street, S. W., who said she was assaulted by Henry Tompkins, of 132 1-2 Jonesboro Road. She stated Tompkins told her he was going to marry another woman and slapped her while doing so.

4. Willie Mae Stephens, 24, and George Storey, 27, both of 81 Boulevard, S. E., reportedly stabbed each other Sunday. Officers G. L. McGraw and W. T. Laster said the woman was cut about the head and back, and the man on the forehead and right hand.

5. Mrs. Lillian Banks reportedly was cut on both thighs Friday afternoon at her home, R-100 Fitzgerald Street, Apt. 13.

6. A thirteen year old boy was assaulted by five or six other minors near the Journal building Friday.

"Ghost" Of Peg Gilbert Slaying May Echo Today

BY MARION E. JACKSON

La GRANGE, Ga. — (SNS) — The trial of Gus Davidson for the self-defense slaying of Olin Sands back in May, 1947 may solve the riddle of the jail-cell shooting of Henry (Peg) Gilbert in the Harris County Jail, on Wednesday May 28, 1947.

Davidson goes on trial today before Coweta Circuit Judge Samuel Boykin in LaGrange Superior Court almost five years after Sands, a prosperous mill operator and farmer, was killed on the grounds of the Union Baptist Church, in a fight over a cow or calf which the accused man was charged with running over with his automobile.

In the ensuing battle, Sands was reportedly shot three times by Davidson, who after the fight escaped going to Ohio and then New Jersey, where he was apprehended by the Federal Bureau of Investigation for unlawful flight to avoid prosecution.

Gilbert, a prosperous land-owner of Hamilton, Ga. was arrested in connection with Davidson's escape, along with his wife and Lovett Davidson, father of the accused man and his brother and sister. Mrs. Gilbert and the others were later released.

Gilbert was confined in the Troup County Jail, but later transferred to Harris County, where, according to reports, he suffered lacerations of the head, crushed ribs, and a broken leg, at the hands of parties unidentified to this date, which resulted in his death.

Medical reports show Gilbert's skull was almost completely crushed. Gilbert had been arrested on May 19 and held incommunicado until his death.

Since Gilbert's death his widow has insisted that he knew nothing about the escape of Davidson nor had any knowledge of his whereabouts after the slaying.

For five years a mystery has existed regarding how Gilbert came to be involved in the case. At the time of his death, Gilbert owned 200 acres of choice farm land and was said to be independent of the white neighbors that surrounded his land.

His property was later sold, but insurance held on his life was never paid, because of a clause which prohibited payment in case death occurred while committing an illegal act.

Gilbert's widow left Harris County after his death, but still solemnly denies that her husband aided Davidson in escaping following the slaying of Sands.

Gus Davidson Faces Murder Charge Today

BY ROBERT E. JOHNSON

LA GRANGE —(SNS)— A 31-year-old self-employed contractor will go on trial this morning in Troup County Superior Court charged with the pistol slaying of Olin Sands a wealthy white farmer and mill operator on May 4, 1947.

Gus Davidson, indicted on a murder charge by a Troup County grand jury, will be brought to trial at 9 a. m. before Judge Samuel J. Boykin, a Coweta County circuit court justice.

Wright Lipford, solicitor general of the county, will prosecute the case. Attorney J. E. Weldon, an Emory University law graduate, has been employed by Davidson as defense counsel.

The murder charge was brought against Davidson, father of two children by Sheriff E. V. Hilyer following a probe of the pistol slaying four years ago.

The Troup County-born contractor fled to Camden, N. J. where he was arrested by FBI authorities last April 21.

New Jersey Governor Driscoll surrendered him to Sheriff Hilyer last July 25 after the suspect fought unsuccessfully against extradition.

Davidson's fight against being returned to LaGrange was spearheaded by a New Jersey lawyer and Robert Hazelwood, a Camden civic leader.

At the time of his arrest in Camden, Davidson was residing in an apartment house with his wife, Lillie Mae, and two children, 4-year-old Jerry and 11-month-old Debora Dianne.

He was employed as a cement finisher and plasterer in the New Jersey city. Atty. Weldon, defense counsel, said Davidson is entering a plea of not guilty in connection with the murder charge brought against him.

Corrective Measures Pay Off As Atlanta Homicides Show Decline

If records for the month of May are an index, corrective measures initiated by the Atlanta Police Department in recent weeks in an effort to reduce Atlanta's high homicide rate seem to be paying big dividends.

Frankly, there has been no official statement from the Police Department claiming credit for the sharp reduction in the number of homicides for May, but indications are, a recent decision to tighten up on the enforcement of the city knife ordinance and carrying of concealed weapons is definitely a contributing factor.

TWO HOMICIDES TO DATE IN MAY

A check on the records of the Crime Report Bureau of the Atlanta Police Department Saturday morning revealed two homicides for May, with only five days left on the calendar, as compared with the 12 violent slayings added to the ledger in April.

It was just about three or four weeks ago that the Police Department quietly launched a drive to diminish the carying of "switchblade" knives and pistols—the two weapons responsible for a majority of the violent slayings.

Pin-points on a large map of Atlanta in the Detective Bureau indicates the areas where homicides and assaults are prevalent. A round-up of some of the persons found under the influence of alcohol in these areas yielded an assortment of weapons. Lt. L. T. Bullard of the Detective Bureau told an Atlanta Daily World reporter Saturday that 36 weapons were confiscated the first weekend, while 25 and 29 weapons were taker. on subsequent weekends.

NOT CONFINED TO NEGRO AREAS

Superintendent of Detectives I. G. Cowan pointed out that the current drive is by no means confined to Negro areas. He went on to explain that the officers participating are well selected and that only persons who have been "drinking" and who have dangerous weapons have been arrested.

In spite of the wane in violent slayings in May, the total number of homicides for the first five months of 1951 is 32, with three of the victims white and 29 Negroes.

LAST HOMICIDE ADDED TO BLOTTER ON MAY 7

According to records of the Crime Report Bureau, the last homicide was added to the blotter on May 7. If there are no violent slayings during the next five days, Atlanta will have two less homicides than were reported in May 1950 and 1949. Since 1945 homicides committed in May were distributed as follows: 1945—2; 1946—7; 1947—5; 1948—9; 1949—4; 1950—4. The largest number of homicides in a single month in recent years was in August, 1950, when 17 violent slayings were added to the police blotter.

A distribution of the total number of homicides during the first five months of each year since 1944 follows: 1944—28; 1945—32; 1946—31; 1947—37; 1948—42; 1949—25; and 1950—32.

Man Named In Slaying Found In Carroll Co.

BY GEORGE COLEMAN AND ROBERT JOHNSON
Atlanta Daily World Staff Writers

DECATUR — (SNS) — Clarence Ragland, 55-year-old Carrollton white man whom DeKalb police say has been convicted on "numerous whiskey charges," was questioned four hours yesterday and booked as a material witness in connection with the August 20 slaying of Mrs. Winnifred Gabriel.

Ragland, arrested on an informant's tip to DeKalb Police Captain Harry Christian, was paraded in a police line up along with five other white men shortly after he signed a statement denying any connection with the strangulation murder of the 55-year-old white registered nurse.

Chief of Police Hoyt Sutton said he summoned Almond to view the white men in the police line up and he failed to identify either Ragland or any other white man with the crime.

Almond, convicted and sentenced to die in the electric chair for the slaying, rebuked two confessions which police said he made. In his unsworn statement to a DeKalb trial jury, Almond said a man so named "Clarence Ragland" forced him at the point of a gun to help him hide the victim in the basement of her Tucker home and then gave him nine $5 bills to dispose of her clothing.

Chief Sutton said Ragland, picked up Tuesday morning in Carroll County, immediately disclaimed any knowledge of the slaying.

"He said he was in the Tanner Hospital in Carrollton suffering from a heart attack on the night of the slaying," Chief Sutton told Atlanta Daily World reporters.

"We were told to check with a Dr. Bass for verification," the police chief said.

Chief Sutton reported that the 55-year-old white man was picked up in Carrollton a few hours before two World reporters motored to Carroll County to pin down an informant's tip.

At Carroll County Courthouse, Criminal court dockets showed a "Clarence Ragland" had been indicted several times on charges of manufacturing whiskey and larceny charges. Sheriff Gaston did not link the "docketed" "Clarence Ragland" with the person picked up by DeKalb County police. The superior court dockets showed that one "Clarence Ragland" had been indicted on several charges since October 1926, when a whiskey indictment was not prosecuted.

Chief Sutton said Ragland will be held under a $1,000 bond as a material witness and will be subpoenaed to appear in DeKalb Superior Court September 28, when a motion for a new trial for Homer Almond will be heard before Judge Frank Guess.

Case Rocked Troup County

Davidson to Get Georgia's Chair

LA GRANGE, Ga.—Gus Davidson was convicted last week for murder in the 1947 slaying of Olin Sands, wealthy white farmer and mill operator, and sentenced Friday to die in the Reidsville electric chair Sept. 28.

Judge Samuel Boykin, who passed sentence, will hear a new trial motion in the case on Sept. 10, eighteen days before the scheduled electrocution.

Gus Davidson was sentenced to die in the electric chair at Reidsville, Ga., for the May 4, 1947, slaying of Olin Sands, wealthy white mill operator and farmer. Defense counsel announced a new trial would be sought in the sensational slaying which rocked the Troup County countryside with an era of terrorism.

CLAIMED SELF-DEFENSE

Davidson claimed self-defense in the slaying of the white farmer, his unsworn statement being the only evidence offered in his defense. On the other hand, the state, led by Solicitor Wright Lipford, presented the testimony of six white persons, including Sands' wife, and one Negro man.

Sands was slain near the grounds of Union Baptist Church. He reportedly argued with Davidson about a calf that had been run over in the road by a car a short time previously. Davidson claimed that he was forced to shoot the white man in self-defense when the latter drew a pistol.

Mrs. Sands testified that her husband's pistol was in his pocket when she arrived at his mortally wounded side.

Davidson told the jury that he ran into the swamps after shooting Sands in self-defense. He said he existed there for approximately six weeks while armed men combed the area. He declared that nobody gave him aid, expressing fear. Later Davidson said he hitch-hiked a ride to Atlanta, leaving Georgia by train and later settling in New Jersey. It was from New Jersey that he was returned to Georgia a few weeks ago to face trial in the 1947 slaying.

REIGN OF TERROR

The Sands slaying led to a reign of terror in the vicinity of the crime. His father, brother and sister were arrested, along with Henry (Peg) Gilbert, a prosperous Negro farmer, and his wife, in connection with the fugitive's escape from the area. They were imprisoned in Troup County, Columbus and Harris County jails, with reports of brutality under questioning being rampant at the time.

Gilbert died in Harris County jail from multiple wounds of the head and body, the death being termed a lynching. His head and ribs were crushed and a leg broken.

Due to the subsequent feeling that developed in the community, Mrs. Gilbert was forced to sell the 200-acre farm which her husband had developed into a model, highly productive area.

Since going to New Jersey by way of Ohio, Davidson had become a plasterer and cement finisher. His wife and two children were with him when the FBI arrested him for unlawful flight to avoid prosecution. Davidson fought extradition to Georgia, but lost the fight after two months.

J. Richardson Jones, deceased Courier representative, made a thorough investigation of the Gilbert case.

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Georgia

Two More Violent Slayings Added To Police Blotter

Atlanta's current wave of violent slayings continued at a fast tempo over the weekend, with the 18th and 19th homicides of the year being added to the police blotter late Friday night and early Saturday morning. Both victims died of stab wounds.

Homicide Detectives J. W. Ellington and J. A. Preston identified one of the victims as, Harold Holbrooks, 26, of 468 North Avenue, N. W. who according to the report was stabbed one time in the chest around 10:30 p. m. Friday night and died at Grady Hospital at 11:10 p. m.

MOTIVE LISTED AS SUDDEN ANGER

After interviewing three eye witnesses. Detectives Ellington and Preston listed "sudden anger" as the motive for the crime. They quoted these witnesses as saying, Holbrooks and a man identified by police as Azell Hunter, 33 of 606 Julian Street, N. W., were arguing about a girl friend.

According to the report, the stabbing took place on Gray Street, near Jones Avenue, and after the stabbing, Hunter went to the corner of Gray Street and Jones Avenue and waited for the police.

Hunter was arrested in connection with the slaying.

Patrolmen T. C. Kennon and W. H. Christian identified the other victim as John A. Jackson, 35 of 550 Conley Street, College Park, Ga. who died of stab wounds in the chest, just below the neck joint, around 4:30 A. M., Saturday.

ARRIVED IN CITY THREE WEEKS AGO

Relatives told the Atlanta Daily World late Saturday afternoon, that the victim arrived in the city about three weeks ago from Cincinnati, Ohio, and was living at the College Park address. His age was given as 37, and the Atlanta World learned that he was father of two children.

Officers Kennon and Christian listed "unknown" as the motive for the slaying, but after continuing the investigation, City Homicide Detectives W. M. Holland and J. E. Helms quoted witnesses as saying the crime resulted from an argument which developed while a group of men were making up a purse to get "some more whiskey."

Patrolmen Kennon and Christian reported that while cruising at Bell and Old Wheat Streets, a woman stopped them and stated there had been a "cutting on Green St. Arriving on the scene, the officers found the victim lying in the street unconscious.

The officers interviewed Otis Jackson, a cousin of the victim, and quoted him as saying they were walking west on Green Street and met a man who hit the victim two or three times and kept walking. He told the officers, he heard no argument and did not know his cousin had ben stabbed until he saw him bleeding. "The victim walked aproximately 160 feet then laid down and died," the officers quoted him as saying.

I'M CUT"

The officers also interviewed two other witnesses and quoted them as saying that as they were leaving a restaurant on Old Wheat Street, they saw the victim drop a knife and heard him remark: "I am cut." According to these witnesses, the victim walked about 10 feet and fell.

Detectives Holland and Helms took over the investigation and then started checking clues which may lead to the arrest of the perpetrator.

O. B. Smith's Slaying

The death of O. B. Smith here last Monday night and the shoddy reasoning as to the cause of it, will again emphasize the logic of our contention that all Negroes live a precarious existence and that Negro life will continue to be held in low esteem until our enforcement machinery and our courts determine that there shall be no difference between crime and criminals based on race. It is true that some progress has been made by the courts in this direction and that there is an appreciable change in the attitude of law enforcement officers. But there is still much to be desired in both directions.

Swift and speedy justice in the case of Mr. Smith is further complicated by the fact that the suspected slayer is a soldier and this slows down whatever machinery is set up to study the facts and bring the guilty to justice.

We hope however, that this will not prove an insuperable obstacle. For the cold fact is that Mr. Smith is dead. His family is robbed of his support. His children are robbed of his wise counsel and companionship. And his legion of friends white and colored alike, are asking what could have been the reason for taking the life of this man, who seemed not to have had an enemy anywhere.

We shall watch the developments in this case with keen interest. And if the facts show that the suspect is guilty, the dead man's family has every right to expect the law to deal as firmly in this instance as it would in any other.

an unrelenting war on this reckless slaying of Negroes by Negroes. I cannot think of any single which threatens the lives and security of Atlanta Negroes more than this high crime. And until it is put down by swifter fines and swifter punishment, it will remain a threat to all of us."

Renewed Fight On Racial Homicides Asked By Leaders

Stirred by the tragic slaying of O. B. Smith at a private club last Monday night and disturbed over the alarming increase in the homicide incidence among Atlanta Negroes, a Citizens Committee, headed by L. D. Milton, President of the Citizens Trust Company, conferred Monday with top-flight law enforcement officials to:

First, seek swift and certain prosecution of the O. B. Smith's slayer;

Second, seek heavier fines for Negroes who slay other Negroes, and

Third; seek a greatly increased representation of Negroes on juries.

Third; seek a greatly increased representation of Negroes on juries.

Members of the Committee conferring with Fulton Police Chief G. Neal Ellis, County Sheriff A. B. (Bud) Foster, and Solicitor-General Paul Webb, included:

L. D. Milton, Fred A. Toomer, J. H. Calhoun, G. E. DeLorme, H. L Conley and T R Grimes.

PROBE STARTED

Solicitor Webb assured the leaders that his office had already swung into action on the O. B. Smith slaying and that the background of the alleged slayer had been fully explored by his staff. "I pledge you citizens that I shall personally take charge of the prosecution in this case," declared Mr. Webb, "and I shall ask the maximum penalty for the slayer." The solicitor said that if the evidence warrants, he'll ask the electric chair for the slayer.

Police Chief Ellis told the conferees that white and Negro citizens were outraged alike by the death of Mr Smith, who "was highly respected by both races."

Officials balked on the proposal to add more Negroes to jury lists by asking the Atlanta Bar Association to persuade its members to pass a resolution to achieve this end. "This would be highly impractical and unworkable, said Mr. Webb, "because even Negro defendants will shun the lawyer who shows no determination to secure as light a sentence as possible for his clients. I am fully conscious of the problem of securing stiffer sentences for these killers and we are making progress in this direction," Mr. Webb stated. But he pleaded with the leaders to help change not only the attitude of Negro killers toward crime, but even many white citizens are slow to see that ev day afternoon from his sickbed, ty of punishment should ap where he has been confined for the all cases, white and colored. past week, commented:

SCOTT RAPS CRIME

C. A. Scott, Editor and General "I am greatly heartened to know Manager of the Atlanta Daily World, cials have committed themselves to

Four Men Held Here in Hotel Stab Death

Three white men and a Negro were held Sunday in connection with the fatal stabbing Saturday night of J. F. Winchester, 34, at the Stevens Hotel, 450 West Peachtree St., N. W., police said.

Held on suspicion of murder were A. C. Jarrell, 24, night clerk at the hotel, his brother, Earnest R. Jarrell, 32, and Blake D. Wimberly, alias Jimmy Saint, 20, who also lives at the hotel. The Negro, Joe Walker, a bellhop at the hotel was held for investigation.

Detectives J. W. Livingston and J. A. Preston said Earnest Jarrell, Wimberly and Winchester became involved in an argument at the hotel, and that A. C. Jarrell ordered Winchester out of the hotel, where he and his wife lived. They said A. C. Jarrell took a five-inch blade knife away from Winchester after his brother and Wimberly had put Winchester out.

Winchester, the detectives said, ran into West Peachtree, then turned around, came back to the sidewalk and fell.

The detectives reported A. C. Jarrell threw the knife on Winchester as he lay on the sidewalk where patrolmen found him dead, stabbed in the right side of the chest.

2 Handcuffed G. I.s Are Killed; Self-Defense, Police Chief Says

By The Associated Press

WARNER ROBINS, Ga., May 12.—Two soldier-prisoners, unarmed and handcuffed together, were slain last night by a police chief who reported that they "jumped" him, yelling, "Get his gun and kill him."

Thomas Bragg, chief of police at Hawkinsville, shot the two privates from Fort Bragg, N. C., in the presence of his six-year-old son, who had accompanied his father on the fifty-mile ride from Hawkinsville to Robins Air Force Base near Macon.

A Houston County coroner's jury heard the account of Chief Bragg and found that he shot the soldiers in self-defense.

The two were Pvts. Louie Passmore and Lon G. Asman, members of the 504th Pegiment of the 82d Airborne Division. Pvt. Passmore formerly lived at Hawkinsville.

The soldiers had been picked up at Hawkinsville yesterday as being absent without leave. Chief Bragg was driving them both in the front seat of the car with him, to military control at Robins Air Base, the nearest military installation.

Chief Bragg told the coroner's jury that he was attacked by his prisoners near Indian Creek, a few miles south of Warner Robins, shot them in self-defense and then drove on to Robins, where the soldiers were dead on arrival at a base hospital.

Chief Bragg said he told the jury:

"The two soldiers attacked me as I was driving over a narrow bridge. The men, each of good size, crowded against the wheel and forced the car over against a side of the road.

"One of the men seized me by the throat and began choking me. He called out to the other, 'Kill him—kill him—kill him.' He said that about a dozen times. The other one grabbed my gun. 'This is your last roundup,' he said to me. 'This is the end.'

"Somehow I managed to wrench the gun from his grasp. The men were handcuffed together, but they were all over me. I had to shoot in self-defense.

"My boy sat very still on the back seat."

Chief Bragg said he recognized one of the men as a soldier he had taken into custody and turned over to military authorities several months ago.

The Robins public information office said there were several aspects of the case which were puzzling and were being investigated by military and civilian authorities.

One of the circumstances was that the men were handcuffed and unarmed when they were shot in the front seat of Chief Bragg's car. One was shot in the neck, the other in the chest. It also was reported that one of the soldiers had a cast on one leg because of a fracture.

One of the soldiers was picked up on an Army circular listing him as A. W. O. L., and, the P. I. O. office said, Chief Bragg took the other one with him to Robins when he volunteered that he, too, was A. W. O. L.

Makes Plea In Interview At Tatnall Prison

Atlanta Daily World Reporters Granted Exclusive Interview

BY MARION E. JACKSON
Scott News Syndicate
Staff Writer

REIDSVILLE, Ga. — (SNS) — Mrs. Rosa Lee Ingram pleaded Sunday for a chance to live with her family again.

The request for a new lease on life came during an exclusive interview at the Georgia State Prison for women in Tatnall County.

The 43-year-old Georgia mother of twelve children was convicted on January 26, 1948 for the corn field slaying of John Ethron Strafford.

Mrs. Ingram, a plump bronze faced, greying woman, was sentenced to death by a Schley County jury four years ago, only to have her sentenced commuted to life imprisonment. At present she shows the grim and emotional impact that has been brought upon her during the past years.

It was the first time Mrs. Ingram had been permitted to talk with any visitors outside her daughter and immediate family. Her long prison imposed isolation was broken by Warden R. P Balkcon, who permitted two Atlanta Daily World reporters a 15 minute interview. The conversation began at 2:55 P. M. and ended at 3:10 P. M.

Warden Balkcon, after learning that attaches at the women's state prison denied the Atlanta World reporters opportunity to see Mrs. Ingram, personally telephoned permission for the Ingram interview.

Mrs. Ingram, wearing a blue prison uniform, and clutching a small Bible in her hands, showed both surprise and elation over being permitted visitors.

Informed that reporters had made the trip to Reidsville, following a talk with her daughter, Mrs. Geneva Rushing and children at Leslie, Ga., Mrs. Ingram glowed with happiness.

She declared: "I want to get home to my children. It has been four long years since I could offer them a mother's care. Tell the world to do what they can to help me be reunited with my family again."

Speaking of her children, Mrs. Ingram added: "They came to visit me last Sunday. Seeing them brought me all of the joy and happiness in the world. I miss my children and home, so much."

Life in the state prison has caused Mrs. Ingram to become calm and relaxed. She had an inward personal serenity as she looked back over the years to that never-be-forgotten day when Strafford entered a cornfield and an argument ensued over one of the Ingram's mules being in his cornfield.

She said, "My life is now wrapped up in religion. I look forward each week solely to the religious services.

"Religion is all I have to look forward to since there is no type of vocational work for Negroes inmates." (We learned that several trades and crafts were available for whites, however, no such vocational opportunities were offered Negro inmates).

Mrs. Ingram's thoughts shifted to her two sons, Wallace, now 20 years old and Sammie Lee, 18; both convicted along with their mother and given life sentences.

Both of these youths are serving terms at the white marbled men's prison located near the women's unit here in Tatnall County. Both are permitted occasional visits with their mother.

Mrs. Ingram declared, "I have been a good prisoner and they have treated me nice here. During my illness they treated me well. I have not been forced to do anything detrimental to my health."

Mrs. Ingram asked the public to "do everything they can to get me a parole. I want to go home and live a christian life.

"There is no black mark upon my record here. Everyone knows that I have carried out orders, done what work I could and have always been a good prisoner."

Mrs. Ingram's sentence to the electric chair was appealed on April 6, 1948 before the late Judge William N. Harper of the Superior Court in Americus, Ga., who denied the new trial, but commuted the death penalty to life imprisonment. The case subsequently went to the Georgia Supreme Court which ruled the Ingrams had engaged in two separate struggles in handing down a unanimous decision sustaining evidence.

Mrs. Ingram was sent to a Richmond County work camp to begin serving her term, but thousands of letters of protest and hundreds of delegations, caused her to be returned to Riedsville.

Since Mrs. Ingram's return to the state farm in Tatnall County, she had been denied any visitors outside her immediate family.

Mrs. Ingram has had four hard years in prison and wishes to go home to her family.

NEW TRIAL SET

Given Chair Third Time In Carroll Co. Slaying

CARROLLTON, Ga. — (SNS) — Clarence Henderson was found guilty for the third time Thursday of the "lovers' lane slaying" of Georgia Tech student Carl (Buddy) Stevens, Jr., at Carrollton.

Although his execution date was set for November 16 by Judge Samuel J. Boykin, he received an automatic stay of execution when the judge granted a new trial hearing scheduled for December 1.

This was the third time that Judge Boykin had sentenced Henderson to death. Two previous convictions were reversed by the Georgia Supreme Court. The third trial was marked by the disagreement of two crime scientists over whether a pistol traced to Henderson and alleged to be the murder weapon actually fired the fatal bullet.

Defense Attorney Dan Duke said after the verdict:

"I will make a motion for a new trial and will do everything necessary to establish the truth as to the identity of the gun, to show that Clarence Henderson is not guilty of this crime."

A large crowd was on hand to hear the jury announce its decision after almost nine hours of deliberation. During the trial, Dr. Herman Jones, director of the Fulton County crime laboratory, said he did not think the alleged murder weapon fired the bullet that killed Stevens. Jones' assistant, George Cornett, testified that he believes the weapon did.

It charged that Henderson killed Stevens while the latter was attempting to save the young lady he was escorting from attack. The young lady escaped. The murder was said to occur on October 31, 1948. At the first trial, the young lady, now married, did not identify Henderson as the attacker. In subsequent trials, however, she did.

Attorney Dan Duke was retained by the National Association for the Advancement of Colored People. At the request of attorneys E. E. Moore and S. S. Robinson, the original defense attorneys in the case, Attorney Duke was secured as counsel.

Dr. Jones stated that he had originally agreed with his subordinate. However, he said, on subsequent examination, he was convinced that the bullet in question did not come from the gun linked with Henderson. This point of view was substantiated by the Federal Bureau of Investigation which stated definitely that the murder bullet did not come from the gun.

Henderson had no statement upon his third conviction but was confident that he would ultimately be acquitted.

Court Is Told 'Death Gun' Didn't Slay Carroll Youth

CARROLLTON, Oct. 9—(AP)—The third trial of Clarence Henderson for the 1948 murder of a Georgia Tech student took a new turn Tuesday night. A crime laboratory official testified that the gun offered as the death weapon did not fire the fatal bullet.

Dr. Herman D. Jones, director of the Fulton County Crime Laboratory, took the stand for the first time in Henderson's three trials for the murder of Carl (Buddy) Stevens, Jr.

A blond, 24-year-old woman took the stand to tell for the third time the events of the night of Oct. 31, 1948, that led to Stevens' death. She was his companion that night.

On the witness stand, she looked directly at Henderson and said, "In my opinion Clarence Henderson is the man." She said she based her identification on his build and voice.

Stevens was killed by a man who accosted him while he was parked with the girl near the West Georgia College campus. The girl, since married, did not positively identify Henderson in the first trial but did identify him at the two subsequent trials.

Dr. Jones' testimony contradicted that of George Cornett, his laboratory assistant, who has said at all three trials that the death bullet came from the evidence pistol.

Henderson was found guilty in both previous trials and sentenced to die. The Supreme Court reversed both decisions.

Judge Samuel J. Boykin adjourned the court at 10:30 p. m. Tuesday. Dr. Jones has been called to take the stand again Wednesday for further testimony.

Mrs. Ingram Has Attack in Ga. Cell

NEW YORK — Mrs. Rosa Lee Ingram, heroic 49-year-old mother now in her fourth year of imprisonment in Georgia for defending her honor against a white-supremacist attacker, has had another heart attack.

Though three weeks have passed, she has not been given medical attention, it has been learned by the prisoners relief committee of the Civil Rights Congress. She told a daughter who visited her that in the meantime, "I just sit and try to do the best I can."

Talks With Reporters

In a recent interview with two reporters, the first occasion in four years that she has been allowed to see anyone but her immediate family, Mrs. Ingram pleaded for "a chance to live with my family again." In earlier letters, she has declared that her twelve children "need me to take care of them."

The prisoners relief committee has urged that wires and letters be sent by colored and progressive white Americans to Gov. Herman Talmadge in Atlanta, asking her immediate freedom and that communications be sent to Warden R. P. Balkcen, Georgia State Prison for Women, Reidsville, Ga., urging medical care for her.

Sharecropper Gets 'Chair' Third Time

CARROLLTON, Ga. — (ANP) —Clarence Henderson, Carroll county sharecropper, was found guilty and sentenced to the electric chair for the third time last Thursday, for the 1948 "lovers' lane" slaying of a Georgia Tech student.

Henderson, 30-year-old father of three children, escaped the Georgia death chair twice after the Atlanta branch of the NAACP came to his defense. The case gained national publicity when Georgia Communist Party leader Homer Chase was arrested for spreading leaflets claiming the man was "framed and railroaded."

Although his execution date was set for Nov. 16 by Judge Samuel Boykin, Henderson received an automatic stay of execution when the judge granted a new hearing for Dec. 1. The all white jury deliberated nine hours before returning its verdict.

Youth Given 20 Years On Manslaughter Charge

Johnny Smith, one of four youths charged jointly with murder and rape, was convicted Tuesday of voluntary manslaughter and rape, and sentenced a maximum term of 20 years in prison.

The all white jury, after less than an hour's deliberation, found Smith guilty of rape, but recommended mercy. The mery recommendation stipulated that Smith could receive a sentence of from one to 20 years. The jury sentenced him to a term of five to ten years. The same sentence was returned on the manslaughter charge.

Judge Virlyn B. Moore, however, said that the sentences would not run concurrently, and that one would follow the other, making a maximum of 20 years.

Smith was convicted of manslaughter instead of murder after no one was able to identify him as the one who actually stabbed Joe Junior Ward, who reportedly was slain when the four men attacked him and his female companion. The same four men were also charged with criminally assaulting the woman after Ward was slain.

The slaying reportedly took place on October 21, resulting in resident of 479 Hunter Street, N. W. Smith, an 18-year-old resident of 312 Hills Avenue, Apt. 3, denied taking part in either attack, but was identified by the woman as one of the four men who attacked her.

The other three men, who still must stand trial are: James Osborne, 23, 23 Electric Avenue, S. W.; Roy Strickland, 18, 486 Stonewall Street, S. W., and Emory Williams, 18, 85 Postell Street, S. W.

This action followed by hours a motion for new trial of Vernon Sylvester Matthews, 18, one of eight youngsters charged with raping a 35-year-old white woman. Matthews was convicted of assault with intent to rape and sentenced a term of 12 to 20 years.

Mrs. Rose Ingram Parole Hearing Set For Jan. 14

WASHINGTON, D.C.—With a parole hearing for Mrs. Rosa Lee Ingram scheduled for Jan. 14, the National Women's Committee for the Pardon of Mrs. Ingram, whose chairman is Mary Church Terrell, has issued a nation-wide appeal for telegrams and wires in support of the Parole plea.

"Communications calling for immediate freedom for Mrs. Ingram and her sons, Wallace and Sammie Lee Ingram," the Committee declared, "should be sent to the Georgia Pardon and Parole Board and Gov. Herman Talmadge in Atlanta, as well as to President Truman, White House, Washington, D. C."

The Board set the hearing last week after NAACP Attorney A. T. Walden of Atlanta filed the appeal to free the Negro mother and her two sons who were imprisoned for their self-defense slaying of a racist white farmer who assault Mrs. Ingram.

Mrs. Ingram and her sons originally were sentenced to die in the electric chair. Protests by Negro and white organizations in the United States, as well as a torrent of protest cables from Europe and Asia helped secure commutation of their sentences to life imprisonment.

In its appeal, the Women's Committee declared, "The best Christmas greeting that the labor unions, the Negro and progressive white organizations, and hundreds of thousands of progressive Americans, Negro and white can give Mrs. Ingram and her sons is a day-and-night

Parole Hearing For Mrs. Ingram Jan. 14

Washington, D. C.—With a parole hearing for Mrs. Rosa Lee Ingram scheduled for January 14, the National Women's Committee for the Pardon of Mrs. Ingram, whose chairman is Mary Church Terrell, has issued a nation-wide appeal for telegrams and wires in support of the parole plea. The Board set the hearing last week after NAACP Attorney A. T. Walden of Atlanta filed the appeal to free the Negro mother and her two sons who were imprisoned for their self-defense slaying of a racist white farmer who sought to assault Mrs. Ingram.

Negro Given Death Sentence For The Murder Of Another

ATLANTA, Georgia — (SNS) —

John Henry Thornton, who was convicted Monday of slaying his sister during an argument, was sentenced Tuesday to die in the electric chair on December 28.

His attorney, court appointed William Gower immediately filed a motion for a new trial. The date for the hearing was set as December 12.

A verdict of guilty to the charge of murder was returned late Monday afternoon by an all white jury, that deliberated nearly two hours before reaching its decision. A poll was taken minutes after the verdict was announced by Assistant Solicitor Frank French, revealing that the guilty verdict was unanimous.

The prosecution was aided by Attorney Reuben Garland, who said he was hired by the defendant's grandmother, Mrs. Polly Petty. Garland charged that the motive for the slaying was an "abandoned and malignant heart," outraged because his sister gave a pot of peas to her husband after Thornton ordered her not to.

Attorney Garland stated that there was also an indictment against Thornton for assault with intent to murder. This indictment allegedly charged him with shooting at his sister's husband after he fatally shot her.

Mrs. Evalina Teamer, 27, of 260 Fairfax Street, N. E., was shot on May 30 and died early on June 1, police said.

Police records reveal that this is the first time during recent years that a Negro in Georgia has received the maximum penalty for killing another Negro.

Homicide Squad Detectives J. W. Ellington and J. A. Preston, who had charge of investigation, reported witnesses said Thornton killed his sister at the home of their grandmother.

13c 1951

Georgia (Legal Sentence)

Gun Expert Aids Farmer

Afro-American

Sept 11-13-51

New Murder Trial Hearing Revealing

Bulletin

CARROLLTON, Ga. (ANP) — A sensational disagreement between ballistics experts of Fulton County (Atlanta) Crime Laboratory resulted in hearing of a motion for a new murder trial for Clarence Henderson, 29, an illiterate sharecropper with four children, last Friday in Carroll County Superior Court.

13c Legal

Daniel Duke, white attorney, told Judge Samuel J. Boykin that Henderson's gun did not fire the bullet that killed Carl Buddy Stevens, a student at Georgia Tech, in October, 1948, in a lovers' lane sexual orgy.

Crime Expert's Statement

Duke, employed by the Atlanta NAACP to assist its legal committee with the case, presented a sworn statement by Dr. Herman Jones, director of the Fulton Crime Carroll authorities said they traced to Henderson's ownership, did not fire the fatal bullet.

Moreover, Duke charged, Solicitor Lipford knew of Dr. Jones' findings when at the trial he used Lt. George Cornett, assistant crime laboratory director, to testify that Henderson's gun fired the death bullet.

Henderson had been convicted largely on this circumstantial evidence and sentenced to death in the electric chair. Colored leaders believe that the farmer arrested as a scapegoat for the bungling of some Carroll law officials.

Many Owned Gun

The alleged death gun was traced to him when it turned up in an Atlanta pawn shop more than one year after the killing of the young white student. It had passed through several white and colored hands during a series of sales and loans.

Carroll county officials have maintained that Henderson owned the gun the night someone approached Stevens and his girl friend in a lovers lane, forced the two to commit acts of sexual perversion, and then shot Stevens when he attempted to intervene as the killer prepared to attack the girl.

Farmer Not Identified

Stevens' girl companion did not identify Henderson at his original trial. She said the killer's voice "sounded like that of a colored man."

Georgia's Supreme court granted the sharecropper a new trial, overruling Judge Boykin's refusal. Subsequently at his second trial last month, an all-white jury found him guilty again. It was during this trial that Duke and S. S. Robinson and E. E. Moore, Atlanta lawyers attacked Lieut. Cornett's testimony.

In cross examination, Cornett admitted that he had not been to college, had never studied chemistry or physics, but had been merely a former policeman promoted to assist in the crime laboratory.

Henderson Case Back To Executive Committee Friday

Daily World

Members of the NAACP executive committee will be asked to make a decision as to whether it will continue to sponsor the Clarence Henderson defense at its meeting here tomorrow afternoon at the Butler Street YMCA.

The meeting has been scheduled for 5:30 so as to be out of the way of a scheduled All-Workers final report meeting at 7 o'clock. All Convention committees together with their chairmen have been invited to attend the 5:30 meeting tomorrow.

Members of the Legal Redress Committee, headed by Attorney A. T. Walden, held an extended closed session Wednesday afternoon, in an effort to reach a decision on the future of the Henderson case to recommend to the executive committee. Mr. Walden was instructed to confer personally with lawyers in the case and secure, in writing, the amounts the lawyers will charge to handle the case and report at tomorrow night's meeting.

Other matters to claim the attention of these committees will be registration of delegates at the National Convention, Housing for the delegates and the Josephine Baker's entertainment.

Grand Jury To Study Evidence In Gabriel Murder Case

Worcd

DECATUR, Ga. — (INS) — Evidence against 42-year-old Homer Almand, an ex-convict charged with the murder of a Tucker, Ga., housewife, will be presented to the DeKalb County Grand Jury Friday night.

8-24-51

...itor General Roy Leathers

Solic...

also said that Almand had been removed to undisclosed jail for safekeeping after police said he confessed the attack-slaying of Mrs. Winnifred Gabriel.

Negro Tenant Sentenced To Die in Tucker Death

Constitution

13c

A DeKalb jury Friday found Homer Almond, 48-year-old Negro tenant guilty of the Aug. 20 strangulation-slaying of Mrs. G. E. Gabriel, Tucker housewife.

Superior Court Judge Frank Guess sentenced the convicted slayer to be electrocuted at the State prison at Reidsville Sept. 28.

Sat

The jury delivered its verdict to the court at 5:05 p.m. on the second day of the trial, after 50 minutes of deliberation. Defense attorneys said they would appeal the case as soon as possible.

Atlanta

In the closing arguments for the defense, H. O. Hubert told members of the jury he did not expect them to acquit the dedendant, but if there was any doubt of the man's guilt, they should not impose capital punishment.

Solicitor Roy Leathers, arguing for the state, told the jury he thought drinking home brew whiskey the day of the slaying caused Almond to commit the murder.

The defense had brought to light a statement made by Almond to police that a white bug man and bootlegger named "Clarence Raglan" had murdered Mrs. Gabriel and made him help dispose of the body. The state had two confessions signed by Almond admitting the tenant did the slaying.

In his charge to the jury, Judge Guess said the confessions should not be considered evidence if the jury thought they had been obtained with a promise of reward or threat of punishment."

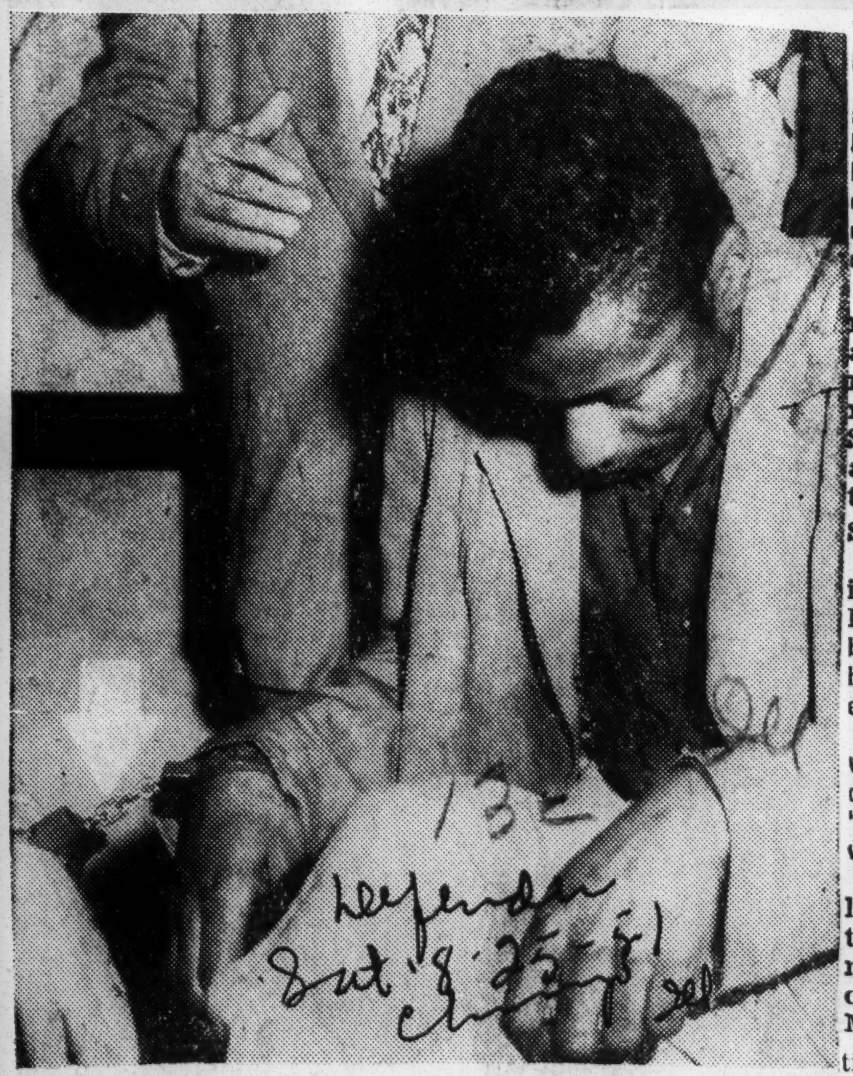
Almond, chewing gum, received the sentence of the court standing by the chair where his wife was sobbing. When he sat down, he patted her on the shoulder.

The tenant had taken the stand earlier and in an unsworn statement to the jury said again that "Raglan" killed Mrs. Gabriel. He then told them he was guilty of helping hide the body and should be punished, but that he was not responsible for the housewife's death.

In telling of his confessions, Almond claimed one officer held his finger in his face, another held "something hard against my head" and other officers kept repeating "You know you done it, you know you done it." He said he was "just scared to death" and knew he had to tell something.

Dr. Herman Jones, Fulton county crime doctor, testified that hairs found on Almond's trousers matched those taken from the victim's hair after her death.

Capture Killer In Chicago After 48-Hour Manhunt



HANDCUFFED to a detective (see arrow) Harry Williams hangs his head and stares at the floor following his capture Thursday night. When his mother arrived at the detective bureau, he made a futile attempt to leap out of window. — Defender photo by Rhoden.

Doomed Youth Slays Guard In Jail Break

A jittery Chicago held its breath for 48 hours last week as 1,000 policemen combed this massive city for a desperate fugitive killer, Harry Williams, 20.

Awaiting execution for the slaying of a theatre cashier, the youthful Williams staged a daring break from Cook county jail's "death row," fatally beating a guard to gain his freedom.

Almost 48 hours to the minute after his escape Williams, who had terrorized the city with holdups and burglaries, was captured quite unspectacularly on a far Southside streetcar — calmly reading a Bible.

After receiving a tip from a relative, Mrs. Addie Hearn, an aunt, that Williams had just rung her doorbell, four policemen, under the command of Sgt. Vincent Cunningham, were assigned to watch streetcars in that neighborhood.

Spotted on Car

He was spotted on a car going North. Policemen Thomas DeVitt and Bernard Collins boarded the car with Cunningham and Robert Noonan covered from the squad car.

Sitting down beside Williams with his pistol drawn but concealed, Sgt. Cunningham said, "Hello Williams, you may as well come along with us."

The killer denied he was Williams but his identity was established at the detective bureau when his fingerprints checked. Williams' mother, Mrs. Edna Marshall, also identified the youth as the escaped criminal.

Mrs. Marshall had come to Chicago to plead with her son to "put down the gun" and give himself up. Williams told police he threw away the gun when he read his mother's note to him printed in local newspapers. He was not armed when captured and offered no resistence.

How He Escaped

Later he said he was on his way to surrender when he was grabbed.

Sentenced to die for the slaying last year of Mrs. Mary Scott during a purse snatching, Williams climbed through the ventilating system onto the jail roof and scampered down into the yards on a rope made of bedsheets. He mounted a guard tower where George Turley, 42, was on duty, beat him to death with a metal rod and stole his shotgun.

He has confessed the Scott killing, five rapes and 10 burglaries. His attorney sought a stay of execution following his capture but it was denied. He is scheduled for execution Sept. 14

Tragedy Is No Stranger To Mother Of Young Killer, Harry Williams

By MARION B. CAMPFIELD

Tragedy is no stranger to Edna K. Marshall.

Misfortune has stalked her family for 22 years. Her daughter a suicide at 17 and her son, 20, facing the electric chair, Mrs. Marshall met another tragic incident with stoicism Thursday night.

"That's my son," she quietly identified a youthful killer for whom 1,000 police had combed Chicago's Southside for 48 hours. Her eyes were dry.

The son, Harry Williams, condemned to die Sept. 14 in the electric chair, gave no sign of recognition. Mother and son seemed most composed in a situation tense with shouting, shoving newsmen, television cameramen and radio newscasters.

Police sought vainly to pierce Williams' stony silence. He kept his head down. He was unkempt and obviously tired.

Two-Day Manhunt

Williams' daring break from the death house in county jail last Tuesday night launched a two day manhunt which ended near midnight Thursday. He was captured on a northbound streetcar at 87th and State sts.

His mother, youthful looking and smartly attired in a navy gabardine suit, faced the battery of reporters, cameramen and police at the detective bureau where her son was being questioned, with the same outward appearance of composure.

"I have nothing to say. I don't know what this is all about." Her quiet demanor remained unruffled until she learned that police had searched her room at the Pershing hotel.

"I'm not the criminal," she protested. "I'm not under arrest. It's Harry, not me they say committed a crime. Why did they search through my things?" After her ordeal was over, Mrs. Marshall talked of the series of tragedies in her life.

Nothing But Trouble

"I've had nothing but trouble. (Marjorie, her daughter) took an overdose of sleeping tablets last year. Harry was always been a good boy, a dutiful, obedient son. But there seems to be something mentally wrong with my children.

"Marjorie killed herself," she repeated. "Harry is accused of killing two people ... two people are dead and they say my boy did it."

"That guard didn't need to die. I tried to tell the authorities four months ago that Harry was not mentally stable. That life could have been saved if they had listened to me."

Williams, his mother said, began to show signs of mental and emotional unbalance during his service with the Navy in Norfolk, Va. "Something snapped from the southern treatment he got and he started to act up. Some folks can adjust and face problems, and think them through calmly. Harry can't.

"During the time he was in the Navy something else happened. He suffered a severe head injury when struck by a steel beam. I don't know yet the extent of the damage to him.

"A year ago in February he was put out of the Navy with a bad conduct dscharge. He couldn't stand the South. Back in Chicago he went from bad to worse, started stealing.h But he insists he didn't kill that woman."

No Trouble as a Boy

Edna Marshall talked calmly, dispassionately. "Harry never gave me any trouble as a little boy. Marjorie was different. She had everything to live for. She sang beautifully, she danced. The Lord knows I've had my share of trouble."

Marshall is her maiden name. She dropped the Williams after her husband's death. "I would rather not discuss that," she insisted. She refused to say what kind of work she does. "I don't want to involve my employers," she explained, indicating her work is along the white collar line. Her hands are well kept.

Widowed, with two small children to rear, Mrs. Marshall told of some of the hardships she has experienced. "Their father died in 1940. I had to work and leave the children alone a great deal of the time.

"Harry was nine when he got rheumatic fever. He was in the hospital for a year and a half. Then when he came home he had to be quiet. He couldn't play like the other children, and that's why he was so far behind youngsters of his age in school. He always obeyed me. He was quiet, and a little lazy."

Wistful Smile

The smile was wistful and there was a suggestion of tears in her eyes. Harry Williams' mother had a firm grip on her control, however. Life had taught her to face crises with fortitude.

Mrs. Marshall came to Chicago from her home in Cleveland and made a public appeal to her son: "Please put the gun down and don't kill anymore." She was obviously relieved that he was captured without being shot down or killed.

"Harry told Mr. Leighton (George N. Leighton, his lawyer) that he was on his way to give himself up when police caught him on the street car," she said. Her son broke his stony silence only once.

"Why not answer their questions," this reporter asked. "Don't you think it's pretty foolish not to tell the police whether you're Harry Williams or not?"

The condemned killer who bludgeoned a guard to death in his escape from the death house raised his head and said, with a one-sided smile:

"It's a foolish world."

AT THE DETECTIVE BUREAU, Mrs. Marion B. Campfield (left) talks with Mrs. Edna Marshall after Mrs. Marshall's son, Harry Williams, had been captured by police while riding a street car.—Defender photo by Rhoden.

Aunt Shares Reward

Sheriff John Babb of Cook County announced Saturday that Mrs. Addie Hearn, Harry Williams' aunt, whose tip led to the capture of the fugitive killer, would receive $250 as a share of reward money he had personally posted for "information leading to the arrest" of Williams.

The original reward was listed as $1,000, but Babb increased it to $1,250 after he previously reported that only the four policemen who nabbed Williams would share the money.

BAIL DENIED CHICAGO POLICY KING WHO SHOT KIDNAPPER TO DEATH IN PRESENT RACKET WAR

Cat-Eye Lyons Also Jailed as Man Who Tipped Roe Off He Was Being Followed By White Men

MOBSTERS DRAGGED DEFENDANT FROM CAR

CHICAGO. — (ANP) — Theodore P. Roe, 53, policy king who Monday shot down Leonard (Fat Lenny) Caifano, 42, one of four hoods who apparently tried to "kidnap" him was denied bail Thursday in connection with the killings.

Roe is being charged with murder, but he will have to remain in jail until July 25, the date he is to be tried. Judge Jay Schiller of Criminal court denied him bond, giving no specific reason. Under Illinois law, however, he has the right to grant or deny bail in murder cases.

Another big development Thursday was the arraignment of Wendel (Cat Eye) Lyons, 47, Negro race track tout who is said to have tipped Roe off that two white men were following him, and his friend, Isaac Hockenhull, 49, also a race track tipster. Also arrested was a hoodlum associate of the dead man, James (Little New York) Truppa, 41.

In the meantime, Roe also is scheduled to face charges of conspiracy to promote a lottery. Facing these charges are Ed Jones and Clifford Davis, two other policy operators, all connected with the famed Jones Brothers enterprises. Their case was moved up from June 20 to July 2 in Criminal court.

Here are other chief developments in the Roe case which threatens to break the story of crime operations in Chicago and possibly throughout the nation wide open:

1. Roe is in jail under an indictment of murder for the fatal shooting of Caifano, Monday night, June 18. Three other men with Caifano, tentatively identified as Sam (Mooney) Giancana, "Teets" Battaglio, and "Little Caesar," escaped and have not been apprehended.

2. The question of who actually shot the dead hood has not been answered. Certain officials suspect that one of two police officers, Alonzo Spalding or William Baxter, acting as Roe's bodyguard may have shot Caifano. The grand jury, State's Atty. John Boyle, Police Commissioner Timothy O'Connor, all are quizzing the two officers. They were reported to have been in the same barber shop as Roe two hours before the attempted kidnapping. A new theory is that an unidentified person riding with Roe did the shooting.

3. Motive for the attack on Roe still is undetermined. Three ideas have been suggested:

a. White hoods for "the syndicate" planned to force him out of the policy racket. This was to be a kidnapping to definitely get Roe out of the way because he continually had resisted all invasion attempts.

b. Roe was considered a person who talked too much. This was to prevent him from saying anything when he would come to trial two days later along with Jones and Miller. He was marked for the coffin, but escaped.

c. This was an attempted robbery. This theory has been discounted by many observors, however, because Roe had only $8 in his pocket at the time of the attack.

4. The dead man and the men supposedly with him in the ill-fated attack on Roe were the infamous "Young Bloods," said to be a youthful group of hoods who hope some day to take over the operation of the syndicate ,alleged to be the criminal empire dating back to the days of Al Capone. On this point, it is said that the older men running crime theoretically all over America want to lead quieter lives and are ready to let the younger men take over as soon as they prove themselves capable. This act if successful is said to have promised a promotion for Caifano.

How Caifano Died

It all happened late Monday night after Roe had visited a barber shop at 6327 South Parkway, and then taken the woman manicurist home. At nearly midnight, he was on his way to his home at 53rd street and Michigan avenue, when another automobile stopped him in the 5200 block on South Parkway.

According to Roe, the men, all white ,in the auto told him they were officers and wanted to talk to him in connection with the policy case coming up two days later. He told them he did not believe they were policemen and demanded identification.

At this point Caifano, according to Roe, pulled him out of the automobile and started mauling him. Roe said he then took out his revolver and shot him. He added that he though he nicked another member of the gang. The others escaped.

Caifano was rushed to Provident hospital, two blocks away, and then taken to County hospital where he died a few hours later.

Roe Calls Police

From this point, the mystery begins. Roe said he went across the street in the park and threw the killer gun away in the bushes, then searched for a drug store and telephoned the police. Fifteen minutes are said to have elapsed during that time.

Because of the time lag, it has been hinted that someone else may have done the shooting, probably a police officer acting as Roe's bodyguard during off duty hours. The theory is that Roe delayed long enough to give this officer a chance to escape the scene before police arrived.

Bater, the chief suspect, has testified that he hardly knew Roe. So did officer Spaulding. Acting Capt. Kinzie Blueitt, chief of the Fifth District station, declared that as far as he know, no policemen in his command acted as a bodyguard for Roe or any other police character during off duty hours.

The murder gun has not been found, but two badges used to threaten Roe were discovered. One was an honorary deputy's badge issued by former Sheriff Michael Walsh, and the other was a badge issued by the Sanitary District. Caifano was given the one issued by Walsh, and the other had been reported missing two years ago.

The roundup of Lyons and Hockenbull has not brought out any new information in connection with the case. Neither man gave any more than the usual formal statements.

The same is true of Truppa.

$25,000 Bail Frees 'Ted' Roe

By TED COLEMAN

CHICAGO — Theodore Roe, 53, target of the mob in its apparent thrust to penetrate, more thoroughly, Chicago's money-making policy racket, was released under $25,000 bond on a murder charge here after a two-week battle in the courts.

Roe claims he shot Leonard (Fats) Caifano, reputed Windy City gang leader, in an attempted kidnapping-assassination of Roe in a South Side street several nights ago. Three accomplices of Caifano escaped and had not been apprehended Saturday.

ONE DIES WHEN POLICY RACKET GANG SEEKS TO KIDNAP KING OF JONES GAMBLING EMPIRE

Police Seek to Determine What Happened When Theodore Roe Shot "Fat" Caifano

THINK YOUNG BLOODS SEEK TO MUSCLE IN

CHICAGO — (ANP) — Seven police squads have been assigned the job of trying to find out what happened when policy king Theodore Roe, 53, fatally shot Leonard (Fat Lenny) Caifano, 42, police character here.

In the meantime, Roe is still in jail while his attorneys, Joseph Clayton and John Coghlan are utilizing all the legal weapons at their command to get him out of jail.

On a third front, the notorious "Young Bloods," of which Canifano was a leader, reportedly are planning to kill Roe before he can come to trial for the murder of their deceased friend.

Clayton and Coghlan have planned three ways to have their client freed.

1. By petition asking Chief Justice Padden of Criminal court to fix a bond to set Roe free. 2. Petition requesting an immediate for the accused man. 3. Petition to federal District court to set bail on the grounds that [illegible] had exhausted action in the state courts.

Fear Murder Plot Underway

Roe's attorneys apparently fear that some plot may be under foot to have the policy man [illegible] in jail. They already have requested to have his food brought in from outside. Warden M. Philip Scanlon has had Roe moved to a cell away from other prisoners and is is having his food watched.

The seven police squads assigned to the case are to check Roe's story of how he killed Caifano on the night of June 18 when four white hoods attacked him.

Two squads are to question all residents or persons frequenting South Parkway where the fatal shooting occurred between 51st and 54th streets. They will quiz each person with the idea of determining just what happened.

Another squad will tackle all jitney cab drivers as well as persons who frequent the barber shop at which Roe was seen shortly before the shooting. This barber shop is located at 6327 South Parkway.

The other four squads are assigned to police strongholds theoretically to prevent a policy war.

Other police and detectives officers have been assigned such jobs as checking hospitals to learn whether or not a second man was shot by Roe that night. They want to see whether or not the hospitals treated someone else for gun wounds.

Police Unable To Find "Young Bloods"

These hoods, of whom the dead man was a leader, repoortedly have plotted the end of Roe's life because he killed Caifano. The federal government also is said to be looking for them in connection with possible discrepancies in their income taxes.

The man who rented them the yacht Lady Lu, Capt. Jack Brewer, has been summoned to appear before the grand jury. This yacht is said to be the scene of the original plot to get Roe, a plot hatched by the Young Bloods but foiled by Roe's daring to shoot one of them.

Roe now has two trials facing him the coming month. First, he must on July 2 face charges of conspiracy to conduct a lottery. This is in connection with his running of the Jones Brothers numbers game on Chicago's southside. The trial came as a result of testimony Roe gave at the Kefauver senate crime investigation committee hearings.

Also scheduled to face trial with him are Ed Jones and Clifford Davis.

The second trial comes July 25 for the murder of Caifano. In connection with this one a number of officials do not believe Roe did the actual shooting. Police are still trying to find out who owns two .38 caliber weapons found near the scene of the slaying.

Whites Seek Lush Policy 'Racket Take'

Millionaire Fights Off Kidnap Try With Bullets as Mobsters' 'Muscling-In' Plans Are Bared

By TED COLEMAN

CHICAGO—A bungled kidnap job on a wealthy South Side policy baron and the death of a white mob leader in the attempt, led to the belief this week that certain gangsters were set to renew their bid-by-force to take over the fabulous multi-million dollar numbers business operated mainly by Negro brains.

Millionaire policy king Theodore (Ted) Roe, left, shows Capt. Kinzie Bluett of the Chicago Police Department his bullet-torn coat, following the gun battle in which Roe fatally wounded a former Chicago deputy sheriff.—INP.

Intended victim in the latest muscle-in attempt was Theodore Roe, 42, successor to the Jones brothers in the South Side policy racket which mushroomed into a huge empire in recent years. Roe thwarted the kidnap, or assassination attempt Monday night by answering four would-be captors with a hail of bullets which killed one of them, Leonard (Fats) Caifano, said to be the brains of a rising mob called the "Youngbloods."

Ed Jones

It is believed the "Youngbloods" planned to kidnap Roe and use him as a bait to lure Ed Jones into a trap and to demand a huge ransom, plus the top of the take in the policy business with the Negro chieftians paying the operating costs.

The whole affair is believed to have been concocted by leaders of the gang aboard a yacht moored in Burnham Harbor off Lake Michigan in Chicago's Loop.

Captain J. A. Brewer of the cruiser "Lady Lu," was picked up by the state's attorney police and questioned concerning Caifano and his companions, who were supposed to have met aboard the craft several hours before Caifano's death. Brewer said a picture of Sam Giancana, a Capone gang leader, "strongly resembled" one of the three men who came aboard the vessel last Sunday.

Meanwhile, Roe was held in jail on a charge of murder by State's Attorney John S. Boyle. He insists that he fired the shot which killed the gangster and that he did so in self-defense. Boyle refused to believe his story and is investigating a tip that a policeman bodyguard was with Roe the night of the slaying and fired the fatal shot.

"SHAKEDOWN" TRIED

Roe told reporters Friday that Sam (Mooney) Giancana once tried to shake him down for $4,000, but he wouldn't go for that.

Giancana is sought for questioning in the attempted kidnaping of Roe as one of the three men with Caifano that night.

The presence of Ed Jones in the city last week gave strength to the belief that the gangsters had their hooks out for the two partners in the policy business.

The recent Kefauver quiz revealed that Jones, his brother, Ed, Roe and Clifford Davis were partners in the numbers business and shared the profits equally. The Joneses moved to Mexico recently because of pressure from the mob.

Ed Jones was kidnaped and held for $250,000 ransom by the mob in 1946. Giancana was suspected as a participant in this operation. Roe is said to have been the go-between in the paying of the ransom which was lowered to $100,000 resulting in Jones' release.

RUMBLINGS

Rumblings from gambling quarters indicate that the South Side policy heads do not intend to take orders from the mob or accept any muscle-in propositions from that source. They are incensed over the incident involving Roe and are reportedly ready to protect their business on any terms.

Atty. Joseph Clayton, counsel for Roe, filed a writ of habeas corpus asknig the defendant's release, or that bail be set. If this fails, he will go to a higher court with another writ. He expects to have Roe freed on the basis that the courts are violating the prisoner's constitutional rights.

Attorney Clayton asked that extra precaution be taken for Roe's life following telephone threats of poisoning him while he was in jail.

Roe contends he isn't afraid and will continue to defend himself from any mobster who attempts to molest him.

Policy King Says Jones Aided Gang

Policy King Theodore Roe put up $25,000 bail--$15,000 of it in cash--and walked out of jail last week charging that Edward Jones, of the fabulous Jones brothers, has doublecrossed him.

Jones, who had left his palatial hideaway in Mexico to make a court appearance here, had by the time Roe got out of jail returned to his self-imposed place of banishment.

Roe charged that Jones had fingered him for the kidnap attempt recently during which Leonard "Fat Lenny" Caifano was killed.

Roe's declaration brought out into the public a growing feud between two factions of policy operators that has been seething for months, but was not generally known.

Roe's release was ordered by Federal Judge Michael L. Igoe on a writ of habeas corpus after a half-dozen unsuccessful attempts in lower courts. The judge freed Roe over the objections of States Atty. John Boyle.

The millionaire gambler is charged with murder in the Caifano shooting.

According to Roe, who is the lone holdout against the powerful syndicate which is seeking to "muscle in" on the $10,000,000 policy racket, Jones called him the day before the kidnap-shooting to find out where Roe would be at prescribed times during the day.

The attempt to kidnap Roe came near midnight June 18, when a car carrying Caifano and three other unidentified gangsters curbed Roe's car. The men tried to pass themselves off as states attorney's police. The shooting followed when the men were unable to identify themselves, and Roe became suspicious.

Police are still probing reports that Caifano was shot by a Roe bodyguard—possibly a Chicago policeman. Roe, however, insists he killed the leader of the "Young Bloods" in self-defense.

The "Young Bloods," according to reports, is a new mob that is attempting to succeed the old Capone gang, most of the members of which are now old, in jail or dead.

Pressure from the gangsters and his former colleagues, but he does prosecution in courts led Jones to have a few. But bitterness is deplank of the other clique quit Chicago and virtually surveloping since the feels Roe's defiance will lead to render his control of the game. Unrelenting, the gangsters have violence and ultimate suppression gradually increased pressure on of the racket.

The split in the ranks of the hitherto solid policy kings is centered around the attempt of the "Young Bloods" to cut in on the policy racket.

The kidnapping in 1946 of Ed Jones, at that time undisputed overlord of Chicago policy, though viewed by many as just an extortion plot was actually the beginning of the move to muscle in on the game.

Roe has found few allies among

Chicago Policy Racket Stirred By Gang Slaying

CHICAGO (ANP) — Chicago's Negro policy leaders are leaving town or have left town because of the shooting of a white hood by Theodore P. Roe, 53, the man who ran the Jones Brothers operations in the city.

The Roe killing of Leonard (Fat Lenny) Caifano broke the generally peaceful operations of the policy rackets in the "Windy City" for the first time in many years.

Crime in the Negro areas of Chicago on the organized basis has been limited to policy and bookies and possibly dope peddling. Otherwise there is the usual purse snatching, strong arms, and house breaking, and other petty crimes.

Policy was the one Negro-operated business. Only two whites were among 16 established wheels that have operated on the south side and in other Negro neighborhoods for many years. They all in the past had worked together harmoniously and never had any local wars.

The first break in the peace came, however, in 1946 with the kidnapping of Ed Jones. This is believed to have been engineered by Italian mobsters connected with the "Syndicate," said to run organized crime in America. This body is said to have later issued little coffins to every Negro policy operator with the warning that it intended to take over the policy business.

Jones was freed after the payment of a $100,00 ransom, and he moved to Mexico. Roe continued his policy wheels in Chicago. Others continued, but one by one they reportedly gave up.

ONE WHITE WHEEL GOES

One white wheel, the Benevenuti brothers, Caesar and Leo, gave up after their homes were bombed. A dead brother Junus started their numbers wheel. They were Italians who grew up in the Negro community. It is said that Caesar and Leo were told to go back to Italy. They are said to receive $50,000 each a year to stay over there and never return.

Roe, however, and a few other Negro operators have continued to run their wheels profitably all the while---even during the famed Kefauver senate crime investigation committee hearings in December in Chicago. Syndicate operations in this field, however, have continued to crow.

The Kefauver hearings, however, are believed to have provided the turning point in the policy situation. It was here that Roe gave out many details of how the wheels operate.

He and his attorney have been severely criticised for this action. While other hoods went to the hearings protected by legal briefs stating why they could not or would not talk because of possible self-incrimination, critics claim, Roe and his attorney were unprepared legally. He talked too much, they say.

According to a reliable source, Negro policy operators---the few still active---met Thursday and declared that they were in business to stay. They reportedly have said they will fight the "Young Bloods" if war is what they want. They are said to have commented that Roe was brave but his was the "fearlessness of ignorance."

How true this is is not known because no policy leader will be quoted on anything in connection with the whole business.

SIX-FOOT, TWO-INCH CON—

Killer slays, jumps jail wall to cheat chair

Police comb Chicago; told 'shoot to kill'

CHICAGO, Aug. 15—(AP)—Police with "shoot to kill" orders searched through Chicago today for a rapist-slayer who killed a guard and jumped a jail wall in a desperate try to beat the electric chair.

The fugitive, Harry Williams, is armed with the riot gun of the guard he killed in breaking from Cook County Jail last night.

Williams, 20, six-foot, two-inch Negro, had been sentenced to death in the electric chair on Sept. 14 for murder.

Jail Warden Philip Scanlan and Sheriff John E. Babb issued the "shoot to kill" order. Babb personally offered a $1,000 reward for Williams' capture—dead or alive.

A short time after he escaped, Williams tried to hold up a motorist about a mile from the jail, which is on the southwest side. A policeman opened fire on Williams and he fled.

LATER SCORES of police in more than a dozen squad cars surrounded a rooming house on the South Side when it was discovered Williams had been there at the home of his uncle, William Hawkins, in search of a pair of shoes. It was not known why he was barefooted.

Hawkins said Williams couldn't find any shoes to fit him. Just then a squad car arrived and Williams fled.

"This man is so desperate he never will be taken alive," Warden Scanlan said.

The warden said Raymond Jenko, 20, white, who also was sentenced to die for murder, was seized in Williams cell in the death row. He said Williams and Jenko were together in the escape plot, but that Jenko remained in the cell.

* * *

THE JAIL BREAK here was one of two prison disturbances in the nation yesterday.

At Point-of-the-Mountain, Utah, the third riot in as many months in Utah's new multi-million dollar prison was put down without bloodshed.

Two prison officials who had been held hostage under threat of death most of the day were released. The State Board of Correction ordered all inmates confined to their cells.

The uprising ended when Joseph W. Dudler, state commissioner of public safety, conferred with riot leaders and said an investigation of the grievances would be made.

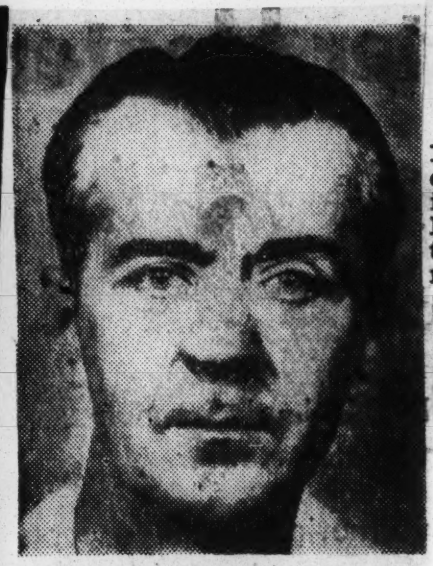
Officials said 22 men were in the cell block which the prisoners took over during the riot.

Braided sheet used in escape—Chicago Chief of Detectives John O'Malley holds a sheet used by Harry Williams during escape from Cook County Jail. Rope was made of braided sheets. (Associated Press wirephoto.)

THE SLAIN jail tower guard in the Chicago break was George Turley, 43. Turley, head and chest crushed by vicious blows, died in the Bridewell Hospital a half hour after the assault.

Scanlan said questioning of Jenko disclosed Williams' escape occurred as follows:

Williams got permission to leave his cell to go to the washroom.



Slain by escapee — George Turley, Cook County prison guard. (AP wirephoto.)

When he returned, Williams jammed the lock of his cell with a sheet.

Jenko then left his cell to go to the washroom. When he returned, he slipped into Williams' cell. Williams meanwhile made a rag dummy and slid it into his bunk to resemble a sleeping figure.

As Jenko slipped into the cell, Williams loosened an airshaft grating in the cell. Taking a sheet rope with him, he climbed up a set of pipes to the roof.

Jenko became frightened and refused to accompany Williams.

* * *

WILLIAMS USED the rope to lower himself to the ground. He sneaked to the guard tower and apparently surprised Turley. Again using the rope, Williams let himself down the 26-foot wall from the outside of the tower.

Guard William Trezise found Turley a few minutes later. He fired a warning shot. Jittery guards followed suit and began firing at shadows in the yard. Sporadic shooting continued for nearly an hour.

Armed with machine guns and tear gas, police surrounded the jail.

EDWIN T. BREEN, first assistant state's attorney, began questioning guards in his office. He said he was attempting to learn whether a conspiracy was involved in the break.

Williams had confessed murdering a Negro woman, Mrs. Mary Scott, in a purse-snatching attempt. He also was identified in 10 rapes and five robberies. He was arrested Dec. 11 after he wounded two detectives who wanted to question him as a rape suspect.

Jenko was convicted of stabbing 16-year-old Patricia Schwartz to death in an attempted purse snatching in May, 1950. Judge Julius H. Miner, who sentenced Jenko, called the killing one of the most "inhuman and brutal" murders ever committed. There were nine knife wounds in the victim's body.

Jenko originally had been sentenced to die in March, but his execution was postponed.

Slayer of Two Cops Gets Death Verdict

CHICAGO — (ANP) — Bernice (Bernie) Davis, 21-year-old accused slayer of two white policemen, was found guilty in Judge Julius H. Miner's criminal court room here Thursday, and his punishment fixed at death in the electric chair.

Davis waived trial by jury for a bench trial and pleaded not guilty. According to court officials, his conviction is the first of such a hearing in recent years. Usually, defendants waiving jury trial place themselves upon the mercy of the court with a guilty plea.

Formal sentencing of Davis awaits the drawing of an execution order by the state's attorney's office.

The doomed man was arrested shortly after he had shot and killed two detectives who had gone to his home last July 14 to question him about the robbery of a currency exchange in Huntington, W. Va. Davis' defense counsel contended that the officers represented themselves as water meter inspectors and that Davis had shot in self-defense.

However, Judge Miner refused to accept this line of reasoning, saying, "The court rejects the garble of illegal entry by the police as spurious and baseless. The principle measure of crime is the injury done society. Nothing is more precious and vital to a community than the lives of policemen, which are braved constantly in defense of our lives and property.

"The object of punishment is not only to prevent the offender from further injuries to his fellow citizens, but to deter others from committing similar offenses. Punishment should be commensurate with the crime."

The defense had also pleaded that Davis' arrest and seizure was illegal and that his confession had been obtained under duress.

Gardner L. Bishop, speaking for the Consolidated Parents group, declaring that the District is making a "mockery of our democracy," demanded the end of all racial discrimination.

The following persons asked for congressional approval of a human rights commission:

David Scull, Washington Fellowship; L. J. Scott, Catholic Interracial council; Miss Marie Klooz, Joint Social Order committee, the Three Friends Meeting, and Mrs. Frank A. Linzell, Washington a Conference on Christians and Jews.

Numerous other speakers demanded home rule and the end of discrimination.

Draws Death In 'Chair' For Cop Slaying

Bernice Davis, 21-year-old killer, must pay with his life for the murder last July 14 of Detective Edward Crowley. He was sentenced Thursday by Judge Julius H. Miner, after a three week trial.

Davis shot Crowley and his partner, Det. Donald McCormick, to death as they sought to question him about a currency exchange robbery in Huntington, W Va. When the officers went to his home at 2343 W. Maypole ave. they were under the impression Davis was a woman, according to Det. Patrick Driscoll.

The defense, handled by Atty. Howard Williams and Maj. Gen. John Clinnin, contended that the officers represented themselves as water meter inspectors and that Davis shot in self defense.

It also argued that the youth's confession was obtained under duress.

STAYS GRANTED 2 KILLERS BY U.S. SUPREME COURT

Slayers of Cops and Jail Guard Escape Chair

BY JAMES DOHERTY

The United States Supreme court granted stays of execution yesterday to Bernice Davis, 21, slayer of two policemen, and Harry Williams, 20, who killed a woman in a robbery and a county jail guard in an escape. They had been scheduled to be executed at 12.01 a. m. today. Both are Negroes.

The killers had been given one reprieve each by Gov. Stevenson, but were denied executive clemency in a decision reached Wednesday after a pardon board hearing on Tuesday.

Both had embraced religion and were praying in their cells when Warden M. Philip Scanlan told them of the stays.

"It is God's will; His powers are beyond understanding," said Davis.

Cites Quirk in Illinois Law

Atty. George N. Leighton, who acted for Williams, said he had interested the highest court in his plea that Illinois law does not give a man accused of murder the same protection it gives one charged with any other crime. In murder cases, the state Supreme court may grant a review, if the court so decides, but there is no compulsion, Leighton said, and Williams' appeal was rejected without a hearing at Springfield. In crimes other than murder, Atty. Leighton added, the Supreme court must grant a review.

The state board of pardons and parole gave both Davis and Williams preliminary hearings and Gov. Stevenson reprieved them to permit them to apply to the courts.

At the Tuesday hearing, Joseph Lohman, chairman of the board, which acts thru the governor in clemency cases but has direct authority in parole cases, announced the receipt of numerous telegrams protesting the granting of any mercy to killers of Chicago policemen.

Criticize Parole Actions

There was criticism of the board's use of its parole powers, and Lohman issued figures intended to counteract it. Altho the appointees of Gov. Stevenson granted more paroles than did the appointees of former Gov. Green in a stated period, according to these statistics, the Stevenson parolees behaved better outside the walls.

"Our study shows that careful selection of candidates for parole, combined with a modern method of supervision, results in the successful rehabilitation of prisoners," Lohman said in a statement.

Lohman said his board granted paroles to 763 convicts in the first nine months of this year, or a projected total of 1,017 for the year. Last year only 865 paroles were granted.

Sentences Served by 824

Director Michael Seyfrit of the department of public safety said the number of convicts released so far this year on expiration of sentence, as differentiated from those granted paroles, was 824. This would indicate a total of 1,068 for the year. Last year 1,057 were set free when they had served their full sentences.

Seyfrit's figures show there are fewer men in the three state prisons today than there were a year ago. Figures obtained for Oct. 9 of 1951 and 1950, from the prisons, gave the number of convicts "on hand" as follows:

	1950	1951
Stateville-Joliet	4,272	4,180
Pontiac	1,388	1.203
Menard	2,135	1.951

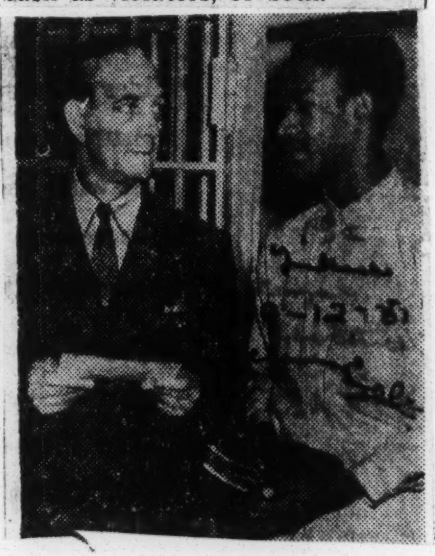
The "expiration" releases from each of the institutions, for the full year of 1950 and up to Oct. 9 of 1951, were given as follows:

	1950	1951
Stateville-Joliet	571	441
Pontiac	244	140
Menard	242	243

County Convictions Unchanged

The Seyfrit study showed there were 461 fewer prisoners on hand Tuesday than a year ago, that the releases of prisoners not receiving paroles was about the same as last year. Cook county is sending as many persons to the state prison this year as it did last year, State's Atty. Boyle said.

Thus, it was agreed, the reduction in prison population must be accounted for by a decrease of downstate contributions to the prison population, or the policies of Gov. Stevenson's board in paroling convicts or putting them back as violators, or both.



Warden Philip Scanlon of county jail reading reprieve to Bernice Davis, who was scheduled to be executed last night, after Davis was granted a stay by United States Supreme court yesterday. [TRIBUNE Photo]

Recants Mob-Inspired Guilty Plea Is Freed

EVANSVILLE, Ind. — A man who pleaded guilty to a charge of first-degree murder here in 1943 because he feared being lynched, then served seven years in prison before deciding to change his plea, walked out of Circuit Court a free man here recently.

The man, Marshall C. Tyler, 29, had pleaded guilty to slaying George Stocks, white, his foreman at a Chrysler plant, in 1943 during a disagreement. Nat Youngblood, then Circuit Court Judge, last week granted Tyler a new trial on his assertion that he pleaded guilty because he feared being lynched.

Tried before French Clements, Circuit Court judge pro tem, Tyler changed his plea to innocent, then the State accepted a plea of guilty to voluntary manslaughter, entered by Tyler at its request. Forrest Condit, chief deputy prosecutor, recommended and the court gave him a suspended sentence of from 2 to 21 years in State reformatory.

Body Of Negro Key Witness Found In Kansas

KANSAS CITY—(INS)— A Jackson County Grand Jury will investigate the murder of Matt Jones, key witness in a circuit court case whose body, weighed down with a block of concrete, was found in the Missouri River last night.

Circuit Judge John F. Cook said today he would set the wheels in motion to call the grand jury as soon as possible. He said a jury was to have been called Aug. 10 but if it is summoned immediately it will have more time to investigate the slaying.

Meanwhile, the Kansas City crime commission offered a $10,000 reward for information leading to the arrest and conviction of Jones' killer or killers.

Jones, 48-year-old Negro, disappeared late Sunday night, 12 hours before he was to have appeared as a witness in the contempt of court case against Kansas City Criminal Lawyer Alfred H. Osborne. His body was found in the Missouri River near Waverly, Mo., about 80 miles from Kansas City. An inquest determined he met death by multiple head wounds and drowning, indicating that he was still alive but unconscious when thrown in the river. Police still have not learned the exact location where Jones was dumped in the Missouri.

Authorities, who termed the slaying a "crude job," were investigating the theory that Jones may have been killed because he knew too much about gambling and the narcotics racket. It was pointed out that he had "talked a lot" in several court cases he was recently connected with.

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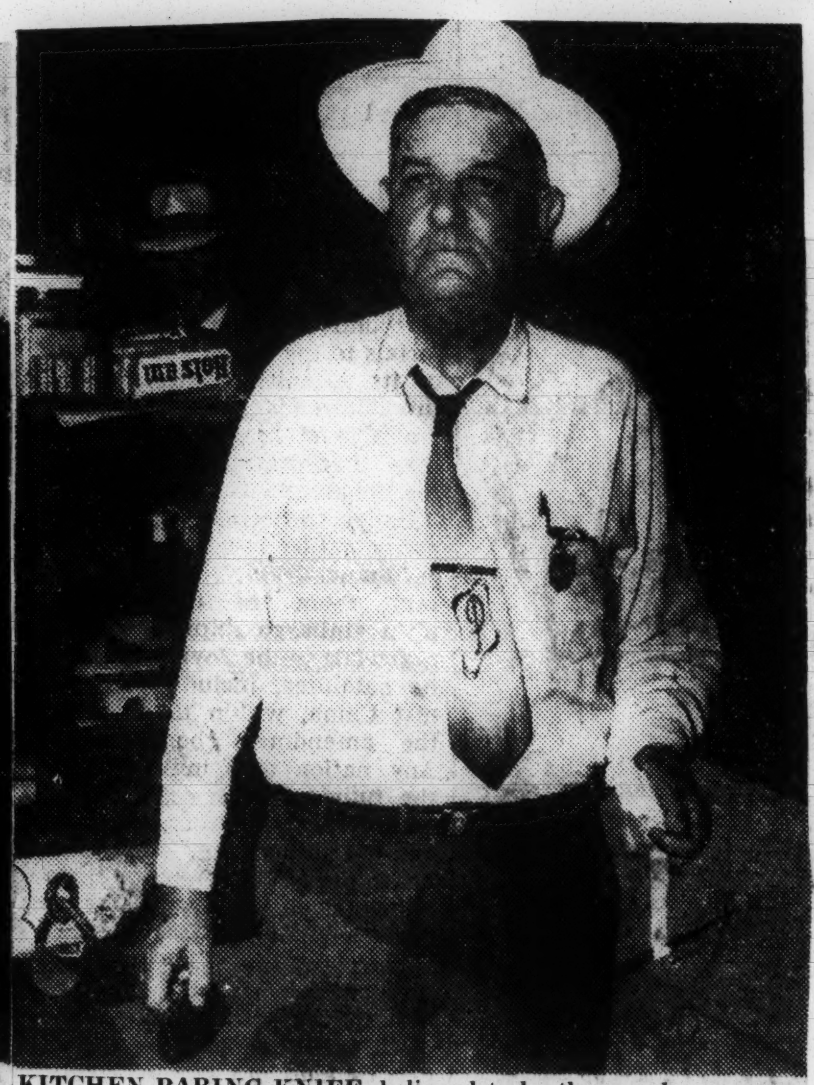
—Photos by The Times-Picayune.

STORE WHERE WOMAN SHOPKEEPER FOUND STABBED TO DEATH



KITCHEN PARING KNIFE, believed to be the murder weapon, is held in one hand of Sheriff N. L. Palmer of East Feliciana parish. In other hand is change purse containing $6, which apparently was overlooked by the robber-murderer. A Negro tenant farmer was arrested Tuesday at Reiley, 30 miles north of Baton Rouge, in connection with the stabbing to death of Mrs. W. G. Wilson, 83, a storekeeper at Reiley.

Tenant Farmer Admits Stabbing Elderly Widow in $80 Robbery

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Aunt of Kemp Murdered at Country Store

By E. M. CLINTON
(The Times-Picayune Staff Correspondent)

Reiley, La., May 22—A 23-year-old tenant farmer calmly told Tuesday how he plunged a kitchen paring knife into the back of an 83-year-old widow in a robbery that netted him less than $80.

Five miles away, in a little country store, the blood-spattered body of the tiny victim, Mrs. W. G. Wilson, 83, had been discovered less than six hours before.

Wed. 5-23-51

And the self-confessed murderer, Excel Beauchamp, Negro, gave a matter-of-fact report to Sheriff N. L. Palmer, deputies from East Feliciana and East Baton Rouge parishes, and reporters covering the scene.

"I went there to rob her," he said. "I thought I might have to kill her if she knew me."

For that reason, he said, he took along the kitchen knife he had sharpened to razor edge two days before.

Beauchamp is now facing a first degree murder charge in East Feliciana parish.

Mrs. Wilson, an aunt of Louisiana Attorney General Bolivar Kemp and a sister-in-law of the late Harry D. Wilson, commissioner of agriculture for more than 20 years was the operator of one of the two country stores in this community which consists of only the stores and a railroad track that runs from Slaughter to Bluff Creek. 4

People around here say she was widely respected, that everybody liked her.

But Tuesday morning, when Mary Powers, a Negro woman from the neighboring plantation of "Doctor Bob" Jones, stopped by, as was her custom, to have coffee with the aged proprietess of the store, Mrs. Wilson was not who, wtih her husband, runs the other store at Reiley) to come quick because somebody done something to Miss Wilson."

Sheriff Palmer and his deputies, Coroner Clovis Toler and reporters, alerted by an anonymous tip, arrived on the scene shortly afterwards.

Stabbed Four Times

The crumpled body of Mrs. Wilson, rigid in death, was still back the counter. The murder apon was on her back.

rious neighbors clustered d the store as sheriff's dep- nd state policemen made ecks.

s stabbed four times in nce across the face and heart," Sheriff Palmer

from Angola state re already at around.

"I went to her bed (in the rear of the store) because I thought she might be ailin'," the woman told a reporter, "but she wasn't there and it didn't look as if she had been there because her purse was on the bed.

"I called out, 'Miss Wilson, wheer is you?' but she didn't answer.

"Then," she said," I looked around the counter and saw her. I went next door and hollered for Mrs. Cooper (Mrs. G. C. Coper,

Meantime, another Negro, whose name the sheriff requested be withheld for his own protection, had told officers that he saw Beauchamp, who has served two terms in the federal correctional institution at El Reno, Okla., in the neighbor-

A Pack of Cigarettes

"Yes, sir," he told T... Picayune representative... I thought I might hav... recognized me." He wa... ly unremorseful.

"I knocked on the... when she came I told h... ed a pack of cigarette... lated. A package of cig... found under the body.

This tip and the fact tha... bloodhounds beat a straight path... to the two-room house the Beau... champs occupy as tenant farm... ers, led to the arrest.

Deputy George Freeman of... East Feliciana and G. W. Leblanc... of East Baton Rouge, following... the hounds, found Beauchamp... the car of Sheriff Palmer, they in... terviewed the suspect.

Earlier they had searched the... plowing in the field.

hood Monday night.

told reporters that the automatic record box is usually active during the early evening hours and that they had heard no outcry.

The loot, all of it recovered by officers, consisted of $72 in currency, $5.90 in change (which Beauchamp tied up in a blood-stained apron belonging to Mrs. Wilson), several pairs of blue jeans and a half-dozen garish neckties.

The clothes he wore, Beauchamp told officers, he had buried near his house.

The money, he said, was sewed into an old pillow by his wife, Sidney Beauchamp, 17, whom Sheriff Palmer said would be charged as an accessory after the fact of murder.

Both of them are now in the East Feliciana jail.

Three Louisiana Men Booked For Shooting Police

BATON ROUGE, La. — (ANP) — Three Negroes have been booked with attempt murder here last week as the result of the shooting of a city detective, Jessie Beebe, with his own gun.

Charged are Eddie Blut, 30, Alexander Harrell, 18, and Willie McFarland, 24. The detective was shot in the stomach and underwent surgery for several hours. His condition is reported grave.

This is Chief Fred C. Parker's version of the incident:

The wounded man and three other city detectives were ordered to put an end to Negro street walkers enticing teen-age white boys to commit cohabitation.

The sleuths wore sport shirts and concealed their weapons. One of them was accosted by a Negro woman who led him to a rooming house.

Detective Beebe trailed the pair, while the other two detectives a block away, kept their eyes on another rooming house.

As Beebe and the woman reached the porch, a second woman came on the scene. and Beebe caught her by the wrist and knocked on the door to attract the attention of another detective.

At this instant, four Negro men coming from the shadow of a house across the street, are said to have jumped Beebe, and during the scuffle, shot him with his own gun, and fired wildly at another detective who came to Beebe's aid. The men fled on the appearance of the two other sleuths, but were later apprehended.

Negro Goes To Electric Chair For Double Slaying

HAHNVILLE, LA—(ANP)—A Negro oil-field worker, Milton Wilson, 40, died here in the state's portable electric chair last Friday for the 1946 slaying of two white New Sarpy residents.

The chief deputy attending the execution said Wilson took the first shock at 12:09 p. m. Twelve minutes later he was pronounced dead.

Wilson's first conviction was set aside by the Louisiana high court on the grounds that a confession introduced as evidence was not proven to be voluntary. The second conviction was upheld by the U. S. Supreme court and the state supreme court.

Wednesday the state supreme court refused to stay the execution of Wilson

The state high court ruled that Wilson had been given a fair trial and was not deprived of any of his constitutional rights.

Wilson was taken into custody more than a month ago following the double slaying of Mr. and Mrs. Joseph Petrolia. He had previously been charged with assault on two Negro women in New Sarpy, a crime which the state said he admitted when questioned about the double slaying.

The deceased paid the peantly for killing of Mr. Petrolia and for aggravated rape.

Free N.C. Man Who Cut Cop

Mixed Jury Clears Cook of Any Blame

BALTIMORE

The acquittal, Wednesday, of James Hardy in the cutting of Officer William Pestridge was hailed as the "first real victory" in the NAACP's 15-year fight against police brutality in Baltimore.

"Oh, I'm free, I'm free," 26-year-old Hardy cried after the Criminal Court jury of nine white and three colored citizens returned a "not guilty" verdict to Presiding Judge Joseph Sherbow.

Once outside of the courtroom where Judge Sherbow had warned against any demonstration, the staunch witnesses who had described Pestridge as a drinking and trouble-provoking patrolman on the night of the affair, rallied around Hardy.

Mrs. Lillie M. Jackson, president of the NAACP which furnished bail for Hardy and obtained affidavits from his witnesses in preparation for the trial was jubilant.

"For 15 years, we have built up a volume of police brutality cases, trying to obtain justice; and this is our first real victory," she asserted.

"The NAACP," Mrs. Jackson went on, "was so convinced of the innocence of Mr. Hardy, as a result of affidavits taken from witnesses, that we provided his bail. The jury's verdict has sustained our efforts."

Once again, Mrs. Jackson stressed the need in Baltimore for a statutory three-member Police Trial Board to hear grievances from police and citizens.

Pestridge drew unmuffled laughter from the crowded courtroom when he returned to the stand, Wednesday, to deny the testimony of five witnesses who had said he bought whiskey and drank with them berore the Dec. 9 scuffle with Hardy.

Judge Sherbow banged his gavel for silence.

Employer Sticks by Cook

Star witness for Hardy was his employer, Mrs. Frances Theodore, the proprietor ot the two restaurants in which the early morning drinking party and the fight occurred.

She refuted the patrolman's testimony that he had come to the first restaurant on Baker St. because she had asked to be protected from Hardy, her part-time chauffeur as well as short order cook.

She also bared the fact that Pestridge made three trips to purchase whiskey, one alone, once in a customer's car, and once in her station wagon, with Hardy driving.

These trips were made intermittently between 3:30 p.m. and 7 a. m. when finally the party, with Pestridge inviting himself along, ended at the second restaurant on Lorman St., Mrs. Theodore went on.

Gun Pulling Episode Told

She said Pestridge (who is a former prize fighter) at Lorman St., picked an argument with Hardy because he had made her nervous by "speeding up the car a little," and struck the slightly-built man, cutting Hardy's face with a ring that he (Pestridge) wore. Pestridge then pulled his gun, Mrs. Theodore added.

Hardy said the blood was streaming down his face as he ran upstairs to tell Mrs. Theodore and came back downstairs where he picked up from the kitchen table what he did not realize at that time was a butcher knife.

It developed that the two scuffled behind the counter where the officer said Hardy stabbed him in the head. Hardy said they both fell with Pestridge on top, and "that's the way he got cut."

Officer Described as Hoodlum

Joseph Rosenthal, attorney for Hardy, pictured Pestridge to the jury as a "hoodlum" in police uniform. He said Pestridge had no business being in the restaurant drinking with customers in the first place and meddling with Hardy in the second place, who was where he belonged and doing his job.

"When an officer steps out of duty and places himself in the category of any other citizen, he has to take what any other citizen gets. Pestridge got what was coming to him; Pestridge made a pest of himself," the attorney declared.

The patrolman's story was:

That Mrs. Theodore asked him to accompany them to the second restaurant because Hardy had been drinking; that during the drive (which he admitted was against police regulations) Hardy made Mrs. Theodore nervous because he drove past the place;

That inside, Mrs. Theodore was hysterical and he (Pestridge) called Hardy to talk with him about quieting the woman down.

Hardy, the officer went on, told him it was none of his business, cursed and shoved him. It was then, Pestridge ended, that he told Hardy he was being placed under arrest, the man hit him, ran upstairs, and returned with the butcher knife.

Judge Sherbow asked Pestridge just what he was arresting Hardy for. "Disorderly conduct", was the reply.

At another point, Pestridge said that before they left the first restaurant, Mrs. Theodore was dancing with Hrdy.

The judge asked, "Didn't it seem strange to you that the man she danced with and the man she was willing to let drive her car was the man from whom she wanted to be protected?"

Pestridge, in answer, began to describe an incident in July when Mrs. Theodore reported that she couldn't find her station wagon which Hardy had borrowed.

"She said that time she was afraid because Hardy was drinking," Pestridge ended. "Is THAT your explanation?" the judge asked. Pestridge said, "Yes sir."

Witness Tells of Drinking

The defense produced William Satterfield of the 800 block N. Fulton Ave.. who said he was eating in the Baker St. restaurant when Pestridge gave him a drink, said he wanted more when the bottle was empty and piled into another customer's car with him (Satterfield) to find more liquor.

Mr. Satterfield related that they went to North Ave., where the officer got out and returned with a pint of whiskey and four cans of beer which they took back to the restaurant.

When Hardy came in around 5 a. m., they again went out, this time in Mrs. Theodore's car, and the officer again came back with whiskey from the vicinity of North Ave. and Pulaski St., Mr. Satterfield revealed.

Waitress Bolsters Charges

Miss Odell Postell, waitress, said she took a drink from the first half-pint which Pestridge brought into the place.

Paul Thomas, the dishwasher, added that he had taken drinks with Pestridge in the restaurant on other occasions, and that on Dec. 9 "all were feeling fairly good."

Pestridge, a navy veteran and member of the Armed Forces three years, said under questioning by Mr. Rosenthal that he has "no ill will toward Hardy" or any of the other witnesses. "I'm thankful I'm living," the patrolman asserted.

The officer was treated at Mercy Hospital for the stab wound of the head; and Dr. John O. Connor, police physician, insisted on the witness stand that he smelled no odor of alcohol on Pestridge's breath that morning.

Hardy, who told that he was beaten with clubs by other officers called to the restaurant after the scuffle, suffered a sprained back and injuries to the eye, head and wrist. He was treated by Dr. John E. T. Camper after his release on bail.

The fight with Hardy occurred around 7:13 a.m., and it was disclosed by witness Lt. John Spites that Pestridge had been instructed to report for a detail at 7 a. m.

"JEEMEE IS MY FRIEND, AND I TRUST HIM . . ."

BALTIMORE — The State's attorney, seeking to establish an intimate relationship between the 35-year-old Greek woman for whom James Hardy worked as chauffeur, didn't get any help from her mild-mannered husband, Anthony.

The attorney asked, "didn't your wife yell 'don't hurt MY Jimmy?'"

In broken English, Mr. Theodore replied: "No, no, no, that's not true. Jeemee is like a son to me. He is my friend. I trust him with my wife and children."

Patrolman Stabbed During Restaurant Melee Suspended

Patrolman William W. Pestridge of Northwestern District has been suspended from duty pending an investigation of charges that the officer drank and bought liquor for a restaurant drinking party which led to him being stabbed.

Scottsboro Boy Held in Slaying

Accused of Stabbing After Being Bumped

DETROIT — Haywood Patterson 38, of 2111 St. Aubin, one of the famous Scottsboro Boys, stood mute Thursday on a charge of first degree murder before Recorder's Judge George Murphy.

Judge Murphy denied Patterson's plea for freedom on a writ of habeas corpus and ordered him held for trial.

Patterson is charged with the fatal stabbing, Dec. 16, of Willie Mitchell, 27, of 1210 Chene, during an altercation in a bar at 1211 Orlean.

Says He Was Bumped

Detectives James Carr and Gerald Walters of the Homicide bureau said the altercation started in the bar when Charles Cory, 35, of 1840 E. Fort bumped into Patterson while Cory was walking to a bowling machine in the establishment.

The officers said Patterson started swearing in a loud tone, whipped out his knife, and cut Cory on a right hand finger.

Witnesses said Patterson then raised his hand and swung his knife and inflicted the fatal wound on Mitchell.

After Mitchell fell, detectives said, Patterson put his knife in the other hand and slugged a third unknown man in the face with his fist and knocked him through the side door of the bar. This third man fled.

Mistrial In Scottsboro Boy Case

DETROIT — Obstructing justice and jury tampering caused a mistrial to be called in the second murder trial of "Scottsboro Boy" Haywood Patterson who is being held for a barroom slaying.

Recorder's Judge John J. Maher ordered Patterson's sister, Maycell, 43, and Mrs. Caroline Infante, 43, both of Detroit, held for investigation of obstructing justice.

The court sent them to the prosecutor's office for questioning about threats against witnesses. Officials said the mistrial was based on reports of jury tampering.

Patterson is accused of the fatal stabbing of Willie Mitchell, 27, in a barroom brawl here Dec. 16. His first trial ended in a 'hung' jury when the jury could not come to a decision.

Patterson was one of the defendants in the Scottsboro rape case of the 1930's and co-author of a book about it. He was picked up here a year ago as a fugitive from an Alabama prison where he was serving a life term for rape.

Michigan Gov. G. Mennen Williams refused to extradite him on the ground all other surviving defendants in the case had been released.

In Detroit Slaying

Scottsboro Boy Denies Guilt

DETROIT—At the request of police Tuesday morning, Heywood Patterson's examination on charges of murder was adjourned until Jan. 12. The request was granted by Recorder's Judge John P. Scallen.

Patterson, one of the nine defendants who figured in the Scottsboro case, was arrested in December after he had been pointed out as the man who fatally stabbed Willie Mitchell, 27, of 1210 Chene, during a brawl in an Eastside bar.

The defendant reportedly denied being in the place at the time of the stabbing.

'Scottsboro boy's' trial ends in deadlock, jury dismissed

DETROIT, May 3— (AP) —Again Scottsboro Boy Haywood Patterson must wait in a jail cell upon the processes of the law.

A jury yesterday failed to agree on Patterson's guilt or innocence in a first degree murder case and was dismissed.

Patterson was taken back to jail. A month may elapse before a new trial.

The jury—one of them, like Patterson, a Negro—"hopelessly deadlocked" after four hours and 40 minutes of deliberation.

The charge against Patterson, 38, was that he stabbed Willie Mitchell, 27, to death in a barroom fight last Dec. 16.

In the celebrated Scottsboro, Ala., rape case of the 1930s Patterson was sentenced to 75 years in prison.

Previously, he recalled to the jury, he had spent four years in the death house after being thrice sentenced to execution.

The eight others of the "Scottsboro Boy" defendants have died or been paroled. After Patterson's escape from Prison in 1948 and flight to Michigan, the charge against him was dropped. Michigan refused to permit his extradition.

Patterson Pleads Self-Defense

DETROIT, May 1—(AP)—Haywood Patterson, one of nine Negro defendants in Alabama's famed Scottsboro rape case, told a story of self-defense at his first degree murder trial Tuesday.

Patterson is accused of stabbing Willie Mitchell, another Negro, to death in a barroom brawl here last December.

State witnesses have accused him of jerking out a knife, slashing one man on the hand and stabbing Mitchell.

Patterson testified that a state witness, C. J. Cory, tried to get money out of Patterson's pocket, starting a row.

"Corey drew a knife," Patterson said. "I went for my own knife and was hit on the head with a bottle. I flashed my knife and jumped through a door. Then I saw two knives and someone else slashed at me. I fled down an alley chased by several persons. I escaped. I do not remember cutting Willie Mitchell or anybody else. . ."

Patterson was extradited as an escapee here last year, but Gov G. Mennen Williams refused to permit his extradition to Alabama to complete the 75-year sentence. All the other original Scottsboro defendants were sent to prison, but have died or been paroled since.

Jury weighing fate of 'Scottsboro Boy'

DETROIT, April 26 — (AP) — The murder trial of Haywood Patterson, one of Alabama's "Scottsboro Boys," proceeded before a jury in Recorder's Court today.

Seven men and five women were chosen yesterday for a jury which will decide Patterson's responsibility in a fatal barroom fight here last Dec. 27.

Patterson, 38, has lived in Detroit since July after his 1948 escape from an Alabama prison farm.

He is charged with first degree murder in the stabbing of Willie Mitchell, 27. At the time of his arrest Patterson said he acted in self-defense.

The State of Alabama indicted Patterson and eight other Negroes for alleged rape in 1931. In 1937 Patterson was sentenced to 75 years in prison. The others also were penalized.

Gov. G. Mennen Williams, of Michigan, refused to permit Patterson's extradition after he was found living in this state. A fugitive warrant was dismissed in Federal Court.

Previously, all the other defendants in the case had been released.

'Scottsboro Boy' Patterson Handed 6-15 Year Term

DETROIT, Oct. 11—(AP)—"Scottsboro Boy" Haywood Patterson was sentenced Thursday to six to 15 years for manslaughter by recorder Judge Paul E. Krause.

In passing sentence, imposed for the fatal stabbing of another Negro in a saloon fight last Dec. 16, Krause told Patterson:

"You have received a fair trial and you cannot claim racial prejudice here."

Judge Krause told Patterson Thursday, as he imposed sentence:

"The (present) case was handled by a Negro prosecutor, two of the jurors were Negroes and most of the witnesses were also Negroes.

"I have read your book, 'Scottsboro Boy,' so I know of your past. In many instances in the past you may have been wronged, but the governor of this state was big enough not to return you to prison."

'Scottsboro Boy' Gets Prison Term

DETROIT. — (INS) — Famed "Scottsboro Boy" Haywood Patterson yesterday was sentenced in Detroit to serve 6 to 15 years in prison for manslaughter.

Recorder's Judge Paul Krause imposed sentence on the 39-year-old Patterson for fatally stabbing 28-year-old Willie Mitchell in a barroom brawl a year ago.

The case had two mistrials before a third jury returned a guilty verdict to the reduced charge of manslaughter.

Patterson was one of the defendants in the widely publicized Scottsboro, Ala., rape case in the early '30s. He escaped from prison in Alabama two years ago and Michigan's Governor G. Mennen Williams refused extradition.

Scottsboro Trial Figure Faces Murder Count

DETROIT, Jan. 12—(AP)—Haywood Patterson, a defendant in Alabama's Scottsboro rape case of the 1930s, Friday was bound over for trial on a charge of first-degree murder.

Patterson, 38, is accused in the fatal stabbing of Willie Mitchell, 27, a Negro, last Dec. 16 in a barroom quarrel.

Negro Who Mrs. Dickens Says Killed Her Mother, Escapes From Whitfield

Search continued Monday morning for a criminally insane Negro youth escapee from State Hospital, Whitfield, who Mrs. Ruth Dickens contends murdered her aged mother with a pair of garden shears in Leland in 1946. (Mrs. Dickens is serving a life term for the murder.)

Charles Ferguson, 19, Washington county Negro, escaped from the mental hospital Sunday night. He fled through an open door on the first floor of the building for colored male disturbed patients. This was the second time the Negro had escaped from the institution.

Dr. W. L. Jaquith, director of the hospital, said Ferguson was brought from the secure quarters for the Negro male criminally insane on the second floor of the building to the first floor, in direct violation of orders. He said a Negro attendant accompanied the criminally insane youth to the first floor.

The patient ran through an open door on the first floor when garbage was being taken out.

The state highway patrol, sheriffs of Hinds and other surrounding counties and other peace officers were alerted Sunday night and were continuing their search Monday morning.

Ferguson entered Whitfield in 1946 at the age of 13, having been charged with the murder of a Washington county Negro couple, Charlie and Mable Baskin, owners of a country store.

Ferguson was charged with fatally shooting the couple during an argument over 20 cents worth of candy. He never stood trial, however, since he was admitted to the hospital as a criminally insane patient.

Ferguson escaped from the institution in 1947, and remained at large until he was returned in July 1950.

Last year, Mrs. Ruth Dickens, well-known Leland matron, sentenced to life imprisonment at the state peintentiary for the murder of her mother, Mrs. Idella Long Thompson, identified Ferguson from a line-up of 21 Negro patients at Whitfield.

Mrs. Dickens pointed out Ferguson twice—once when she first entered the room where the patients lined up and again when the line-up was reshuffler.

Ferguson 19 years old, is five feet, eleven inches tall and weighs 175 pounds. He has a long narrow head, is rather dark in color, has kinky hair and is of medium build. His arms are long.

When he escaped he was wearing the khaki shirt and trousers of the institution. The words "colored male disturbed" were stenciled on the back of his shirt.

At large at the present time is another criminally insane Negro patient from Washington county, Robert Sander. Sanders was charged with the beheading of a Washington county white woman. Like Ferguson, he was brought to the [illegible] floor of the Negro male disturbed building, in violation of orders, and escaped through a door.

Dr. Jaquith, director of the institution, has for some time been urging that a building for the criminally insane be provided at Whitfield.

Apprehend Negro Sought in Filling Station Slaying

GREENWOOD — (Special) — A teen-aged Negro wanted in the fatal shooting a week ago of a white 44-year-old Shellmound filling station operator was apprenhended Sunday, Sheriff E. P. Stratton announced Monday.

Stratton said the Negro, Sylvester Lawrence, 17, surrendered peacefully to officers after they surrounded him in a soybean field on the Race Track plantation.

Lawrence's arrest, Stratton said, came after another Negro informed the plantation owner that the wanted man was hiding on the plantation, one adjoining the one on which he and his family lived.

The Negro was sought in connection with the shooting late Sunday night a week ago of James E. Brewer, who was wounded in the arm, neck and shoulder by a blast from a shotgun, fired from the darkness outside the Brewer station. Brewer died Wednesday night.

Stratton said Lawrence would be charged with murder in the slaying of Brewer, whom he said had ejected the Negro from the filling station after he became "insulting."

Stratton said that Deputy Sheriffs W. A. Shanks, R. W. Campbell and H. E. Weber, State Highway Patrolmen H. G. Mooney and P. C. Glenn and Greenwood police officers M. L. Steed and Kelly Murphree went to the plantation after word was spread that the Negro was there. He said that the Negro saw them coming into the field where he was and threw his hands up and surrendered.

Lawrence, who looked thin and appeared not to have eaten for some time, admitted the shooting and said he had been hiding in the same general area since the shooting. He said he had thrown the shotgun into the Tallahatchie river. The gun has not been found.

Stratton said that Willie James Lawrence, the Negro's father, and Robert Lawrence, his grandfather, who were jailed on a charge of aiding his escape, had been released with the apprehension of Lawrence.

Negro Still Sought In Delta Slaying Of White Man

GREENWOOD — (Special) — Sylvester Lawrence, 17-year-old Negro wanted in connection with the fatal shooting of J. E. Brewer, filling station operator near Shellmound last Sunday night, is still at large, Sheriff E. P. Stratton said Friday.

Brewer was shot in the arm, shoulder and neck from a shotgun blast made from the dark as he was locking the gas pumps for the night.

Lawrence had created two disturbances at the place, one that afternoon and the other that night shotly before the shooting. Upon his return that night Brewer ordered him away. The Negro was reportedly insulting and Brewer rejected him. Shortly afterard a shotgun blast from the dark wounded Brewer fatally. He died from his wounds Wednesday afternoon.

Sheriff Stratton lodged Willie James Lawrence, father of the fugitive and Robert Lawrence, grandfather, in the Leflore county jail and will charge them with aiding in the murderer's escape, he said. The young Negro is believed to have made good his getaway.

Services for Brewer were held Thursday afternoon.

NO ARREST MADE AS WHITE GROCER SHOOTS NEGRO MAN

RAYMOND, Miss., Aug. 20 — (Special)—No arrest was made after H. C. Brown, a white man who operates a Log Cabin store on the Raymond Road near here shot and seriously wounded Richard Dixon, a 48-year-old Negro man at the store Sunday.

The store operator claimed that he shot the Negro man in self defense as he threatened him with a pocket knife.

According to reports the shooting took place after the storeman ordered Dixon and a group of Negroes to leave after a disturbance in the back of the store.

The store operator told officer that Dixon threatened him several times with the knife after he had ordered the group to leave the store.

According to reports the officers who investigated the shooting said that there were a number of witnesses at the scene who backed the storeman's claim of self defense.

Shot through the lower part of the body, Dixon was taken to the Charity Hospital in Jackson where his condition was regarded as serious.

WOMAN IS FREED ON MURDER COUNT

Judge Directs Verdict in Tylertown Case

(Special to The Times-Picayune)

Magnolia, Miss., Oct. 25—An all-white jury Wednesday acquitted a 21-year-old Negro woman of murdering a Tylertown service station operator after the judge granted a motion by the woman's counsel and directed the jury to find her not guilty.

The woman, Hattie Lee Barnes, had figured in a series of shootings and charges which grew out of the fatal shooting April 16 of the Tylertown man, Lamar Craft.

Craft, member of a widely known Walthall county family, was shot at Bob Lee's place, a tavern on Highway 24 east of McComb, where the Barnes woman worked as a maid. The woman, who lived on the premises, said she shot Craft in self defense as he attempted to enter the tavern through a rear window after it was closed for the night.

On April 19, after she was freed on bond following a preliminary hearing, the woman was taken to Walthall county and jailed at Tylertown where she told police and members of the Craft family that she did not shoot Craft.

Returned to Pike county, she repudiated the story and said that her first story was correct.

Later, the tavern owner, Rob Lee, was shot at from ambush and slightly wounded.

In August the maid was critically wounded by a rain of pistol bullets which she said Lee and a Negro chauffeur fired at her near a tavern in Marion county.

Lee and the Negro were charged with shooting the woman and freed on bond. Later the tavern owner failed to appear at a preliminary hearing in the case and the $2000 bonds was forfeited. The Negro chauffeur was tried for the shooting and given a 10-year penitentiary sentence.

Last month Lee surrendered to Marion county officers and is now out on $10,000 bond in the shooting of the woman.

Meanwhile, a Pike county grand jury indicted the maid for murder in the shooting of Craft.

Wednesday, after District Attorney L. S. McLaren presented the state's case, District Judge Tom B. Grady granted a motion for a directed acquittal by the woman's court-appointed attorneys, Joe N. Piggot of McComb and George W. Cutrer of Magnolia.

Three Negroes Badly Beaten For Murder Never Committed

INDIANOLA, MISS., July 24—(AP)— A private detective and a Sunflower County deputy sheriff applied "a small amount of heat" to force three Negroes to confess a murder that never happened, Sheriff George Marshall said Tuesday.

"I imagine they probably used a leather strap," the law enforcement officer said. One of the Negroes was beaten so badly medical attention was required, he added.

Marshall identified the private detective as Charles R. Underwood of Cleveland, Miss., formerly of Memphis, and the deputy sheriff as C. H. Sheffield. The Negroes were Jesse Davis, Jesse James and Amos C. Redmond.

The sheriff said no charges have been filed.

"Something wrong happened," he said Tuesday. "It has never happened in the past and it is not going to happen in the future. I am going to do everything I can to make amends.

"It happened without my knowledge, sanction, approval or consent."

He said he has not talked to the three Negroes since their release from the county jail.

Marshall gave these details of the incident.

A Negro woman last week reported her son had been missing for several days and that she had been told he had drowned. After being told James Redmond and Davis had last seen the missing Negro, Robert McKinney, they were picked up for questioning.

The Sunflower County sheriff's office staff was overtaxed and Underwood, a private detective, was hired to help in the probe.

"Sheffield and Underwood questioned them way up into the night," Marshall said. "I was not there but about nine or 10 o'clock after some heat probably had been applied to try and get the truth, one of them said "yassuh, yassuh, we hit him in the head."

The sheriff said the Negro then related details of how the three took McKinney in a taxi, struck him over the head with a brick on at least two occasion, and then threw his body into the Sunflower River.

"We went out there and found a red spot we thought probably was blood," Marshall went on, "and started dragging the river.

"The next morning I got word from town McKinney's mother had had a letter from him in East St. Louis."

Since then, Marshall added, he has established "as best I can without actually seeing him" that McKinney is alive in East St. Louis.

He said he planned no action against either Underwood or Sheffield.

"I don't know what I could do to Underwood," he said, "as for Sheffield, he's only been with the office a few months.

"He was following what he thought was a super sleuth."

Mississippi Roundup—

Lee Indicted In Shooting Of Barmaid

No Action Reported On Craft Brothers

COLUMBIA, Miss., uJne 22 (AP)— A Marion County man was indicted here today on charges of attempting to kill his former Negro barmaid by shotting her three times in the stomach.

The barmaid, Hattie Lee Barnes, is recovering in a Tylertown hospital.

The Marion County Grand Jury returned an indictment of assault and battery with intent to kill and murder against Rob Lee. Lee is listed with the state tax collector as a retail liquor dealer.

Indicted with Lee was Walter Watson, a Negro. The woman told Walthall County Sheriff Marshall Bullock that Lee shot her three tibes, Watson twice.

The Negro woman herself is free under $1000 bond in Pike County on a murder charge in the death of Lamar Craft at Lee's Pike County tavern last April. The tavern later was closed by a court order.

No information was available on the jury's action in charges against Craft's two brothers, Bennon and Milo. They were arrested after Lee was ambushed near his home on May 10.

Was Beaten Into Confessing Killing, State Negro Says

MERIDIAN — (UP) — A Negro youth testified in circuit court here Friday that he was beaten into confessing the murder of a white store keeper.

James Ray, Jr., told the court that law enforcement officials had beaten him into confessing the murder of 70-year-old C. W. McDonald. Prosecution attorneys had earlier introduced a tape recording purported to be Ray's confession.

State witnesses denied Ray's accusation.

CLEVELAND — (UP) — Private investigator Charles Underwood, named in the "confession-beating" of four negroes, was extradited Saturday to Illinois as a probation violator.

Police Chief W. C. Dempsey said that Illinois authorities carried out Underwood's extradition to Cook County, Ill., where Underwood was sought for violating probation on County, Ill., where Underwood was an armed robbery case.

Illinois authorities learned of Underwood's whereabouts when his name was linked in an investigation of a reported killing. Underwood had been hired by the Sunflower county sheriff here to investigate a reported murder.

Four Negro suspects brought in for questioning, claimed they were beaten, three finally singing "confessions" to a "murder" that didn't beaten, three finally singing "contake place. The "victim" turned up alive and well.

White Man Held In Mississippi For Negro Death

COLUMBUS, Miss. — (ANP) — Jack Sides, 51-year-old white man, has been charged with the murder of Thomas Porter, Negro, whom he shot July 28.

According to the deputy sheriff's office, Porter was shot during an argument over some small change he is said to have demanded from a larger amount given Sides at the latter's store.

Sides surrendered to Deputy Sheriff Dorothy Woolbright last Monday and the charges of homicide followed.

Jury Frees Negro Woman Indicted For Slaying In Pike

MAGNOLIA — (Special) — A directed verdict of "not guilty" has been returned by an all-white Pike county circuit court jury in the case of a 21-year-old Negro woman charged with the slaying last April of Lamar Craft, 23, Tylertown service station operator at a roadhouse on Highway 24 east of McComb.

The woman, Hattie Lee Barnes, was freed late Wednesday after Judge Tom P. Brady of the 14th Judicial District granted her attorneys a pre-emptory instruction to the jury to acquit her.

Craft, member of a widely-known Walthall county family, was fatally shot, officers said, at Rob Lee's place where the woman worked as a maid. The woman, who also lived at the place, said she shot him in self defense as he attempted to enter the roadhouse through a rear window after the place was closed for the night.

Joe L. Piggott of McComb and George W. Cutrer defended the woman, having been appointed by the court.

On April 19, after she was freed on bond following a preliminary hearing, the woman was taken to Walthall county and jailed at Tylertown where she told police and members of the Craft family that she did not shoot Craft.

Returned to Pike county, she repudiated the story and said that her first story was correct.

Later, the tavern owner, Rob Lee, was shot at from ambush and slightly wounded.

In August the maid was critically wounded by a rain of pistol bullets which she said Lee and a Negro chauffeur fired at her near a tavern in Marion county.

Lee and the Negro were charged with shooting the woman and freed on bond. Later the tavern owner failed to appear at a preliminary hearing in the case and the $2,000 bonds was forfeited. The Negro chauffeur was tried for the shooting and given a 10-year penitentiary sentence.

Last month Lee surrendered to Marion county officers and is now out on $10,000 bond in the shooting of the woman.

Negro Pleads Guilty in Delta Slaying Case

GREENWOOD — (AP) — Sylvester Lawrence, teen-age Negro charged with the ambush murder of a Leflore county filling station operator, pleaded guilty before Circuit Judge Arthur Jordan, here Wednesday.

Lawrence was arrested in a bean patch near J. E. Brewer's station at Shell Mound about a week after Brewer died in a Greenwood hospital from bullet wounds in his neck and chest.

Brewer was shot from the darkness as he locked up his station about 10 p. m. on September 2. Police said he had chased Lawrence from the station store earlier after the Negro created a disturbance.

Judge Jordan delayed passing sentence.

NEGRO DIES IN CHAIR FOR MURDERING WIFE

Jefro Price Was 'Not Afraid' In Clarksdale

Special to The Commercial Appeal

CLARKSDALE, Miss., Dec. 20.— "I'm not afraid and I'm ready to go," said Jefro Price, 28-year-old Friars Point Negro, just before he was straped into the electric chair in Clarksdale, shortly after midnight Wednesday to pay for the ax murder of his wife.

Pricew as led to the portable chair to be the first man to be electrocuted in Coahoma County. Only a handful of spectators, in addition to officers and guards, witnessed the electrocution in the corridor of the courthouse.

Prior to the walk to the death chair, Price had talked with Dr. F. K. Horton, pastor of the Clarksdale Baptist Church, and the Rev. S. L. A. Jones, Negro minister. He told the ministers he was ready to die and seemingly had no fear, Dr. Horton said.

The switch was turned at 12:07 a.m. Three minutes later Dr. T. M. Dye, Dr. Van Burnham and Dr. Durward Blakey pronounced him dead.

Price was found guilty by a jury for the murder of his wife, Willie B. Price, at their home in Friars Point. Price was also indicted for killing his wife's aunt, Mattie Campbell, but he was tried only for the crime of killing his wife. Both were hacked with an ax, after he had returned from a drinking party.

Price ate a hearty supper of sirloin steak, pork chops and a big square of mince pie, provided by Sheriff Greek Rice.

Price was the 90th person to die in Mississippi's portable chair in 11 years it has been in existence. Twenty of the victims have been white.

Negro Identified As Killer By Mrs. Dickins Said Not In Delta At Time Of Slaying

GREENVILLE —(Special)— Relatives of a 16-year-old Negro reportedly identified by Mrs. Ruth Dickins as the killer of her mother was staying with his grandmother in McComb when the Leland crime was committed, according to his grandmother at McComb.

The boy's grandmother and his aunt, both of McComb, said the boy stayed in a home in McComb from about October 1, 1948, until up in December, leaving just before Christmas.

At that time, the youth was a fugitive from Whitfield, where he had been sent in February 1947 as criminally insane.

The McComb development was pursued by newsmen here and in McComb, on the reports that the Negro had been there during the fall of 1948.

The aunt said that the boy went to McComb shortly after school started in 1948—about October 1 she thought — and stayed until sometime in December, when he left not to be heard of there until Christmas, 1949.

Constable Slain in Serving Paper

(The Associated Press)

Magee, Miss., April 13—Constable Bernice Herrington was shot and killed shortly after 1 p. m. Friday by a Negro on whom he was trying to serve a legal paper, city attorney Rich Russell reported.

Russell said Herrington's brother, Eugene, was shot at least twice and seriously wounded. The killing took place in the Skiffer community between Magee and Prentiss.

The city attorney said he knew no details. He identified the Negro as James V. Durr. Simpson county officers and highway patrolmen immediately threw up roadblocks and began searching the area for him.

Russell said he did not know what kind of a legal paper Herrington had for Durr.

More Mississippi Justice

Effort Being Made To Pin Murder on Unbalanced Youth

JACKSON, Miss.—New strategy designed to win the ultimate freedom of a white socialite, now serving life for the murder of her mother, was seen Thursday when the woman "identified" a 16-year-old mentally deranged Negro as the killer.

The woman prisoner, Mrs. Ruth Thompson Dickins, 44, a prominent Leland, Miss., matron, on a visit under guard to the State Mental Hospital at Whitfield, pointed out a youthful inmate as her mother's murderer.

Mrs. Dickins was convicted of fatally beating her mother, Mrs. Idella Long Thompson, with garden shears in her Leland home, November, 1948.

WITNESSES 'FOUND'

The woman testified at her trial that she surprised a young Negro in the rear of her mother's home when the body was found, and that he struck her (Mrs. Dickins) and fled.

However, it was brought out at the trial that the woman was in dire need of money and had sought financial aid from her mother on several occasions.

Hospital officials said Ferguson was a fugitive from the institution at the time of the murder. The woman's attorney, W. D. Conn of Jackson, said he has detailed information as to the boy's whereabouts at the time of the murder.

'WAY OUT' SEEN

One report is that witnesses have been found who will testify that the youth was in Leland the day Mrs. Thompson was slain.

Should Ferguson be charged with the murder, he could not be tried because of his mental condition—which provides an easy way out for all concerned. However, the charge could remain "open" pending his recovery and then criminal prosecution pushed.

Future events in the case may determine whether the Negro youth is to be a scapegoat in the case.

Canton Negro Slain Attempting To Kill Officer In Arrest

CANTON —(Special)— A Negro between 50 and 60 years of age who attempted to shoot a Canton police officer while resisting arrest was shot and killed in the southern part of Canton about midnight Friday.

The Negro was identified by officers as Leo Carson, an employe of the Federal Compress and Warehouse Company located here.

The Negro, whose exact age was not known by police, was killed with a pistol shot in the center of his chest fired by Officer Russell Cook after he had fired at the policeman from across the street.

Cook told a coroner's inquest empanelled by Coroner Harry Baldwin that he saw Carson's car weaving back and forth across Hill street and that he drove up alongside and ordered the Negro to pull over to the curb near the intersection of Bellvue, ordering the Negro out of the car when he did so.

The policeman said that when he began frisking Carson for a weapon that the Negro began cursing him and reached for his hip pocket. He said that when the Negro did this, he hit him with his night stick and the Negro ran across the street, pulled a pistol and shot at the officer who stepped back of the patrol car. The bullet from the Negro's gun entered a fender of the car.

Cook then told the jury he returned the fire, hitting the man. The Negro ran about 25 feet and fell to the ground.

A verdict of "justifiable homicide" was returned by the jury.

Jackson Woman Finds Negro Man Hiding in Home

A white Jackson matron reported to the City detective bureau she discovered a Negro man hiding behind a curtain in the room where her two young sons were sleeping about 12:30 a. m. Saturday.

Mrs. J. H. Packer's screams frightened the Negro away as she entered the children's room at her residence at 6 East Hamilton.

Mrs. Packer told police that she heard footsteps on the stairway and thought they were those of her husband. When her husband did not enter the bedroom, however, Mrs. Packer went into the room where the young Packer boys were sleeping, and immediately saw the Negro partially concealed behind a curtain.

The Negro fled, and has not been found.

Only other cases reported by the detective bureau early Saturday involved the theft of some $42 worth of nursery plants from the Greer nursery on Terry road; and a marauder in the house of a local Negro woman.

William Greer, 1744 Terry road, reported that some time during the night a thief made away with two Japanese Yews, 25 rose bushes, three camellia bushes, four hollys, five arbor vitaes, and several other plants.

Benile Garrett, Negro woman, reported that as she emerged from a taxi at her home at 236 East Cohea street about 2 a. m., Saturday she saw a man entering the house. She said she thought it was her cousin, but when she turned on the light, discovered a stranger in the room. The man fled.

Negro Is Killed In Gun Battle At Vicksburg

VICKSBURG — (AP) — Frank Burns, 60, operator of a Negro hotel, was shot to death in blazing gunbattle with two policemen in front of his establishment Monday.

He was felled by a fusilade of bullets from guns of the officers after he had shot another Negro, Tommie Garner, in the leg.

The officers were Patrolman W. A. Parker and H. C. Beard. They reported they answered a call at 12:23 a. m. and quieted a disturbance in which Burns was involved. A short time later they returned on another call.

This time, they reported, Burns was on the sidewalk waving a pistol in each hand. As the officers approached, he fired at Garner, striking the Negro in the leg. Then he turned his guns on the officers, they reported.

He was pronounced dead on arrival at a hospital. Seven bullets had entered his body. The officers were not hit.

Unjustified Shooting?

Miss. Cops Kill Hotel Owner, 60

VICKSBURG, Miss.—An elderly Negro hotel owner was shot to death by the blazing guns of two white policemen early last Monday in front of his place of business.

Frank Burns, 60, the hotel operator, was killed instantly by a fusilade of bullets from the guns of Patrolmen W. A. Park-

shot Burns with-
able justification.
declared that the
never fired a single
policemen. There
ot in the minds of
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ger-happy and shot
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These persons declared
colored man never
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vas also doubt in the
everal as to whether
hot by Burns of the
the sidewalk waving a pistol in
each hand. The patrolmen al-
lege that as they approached
Burns he fired at Garner, strik-
ing him in the leg. They said
further that the hotel owner then
turned his guns on them.
However, witnesses said that
the two white officers were trig-

WAVED TWO GUNS

The policemen said when they
were called to Burns' hotel the
second time they found him on

McComb Sheriff Probes Slaying Of Walthall Man

McCOMB — (AP) — A 23-year-old service station operator from Tylertown, Miss., Lamar Craft, was killed by pistol shot early Tuesday.

Pike County Sheriff R. E. Lee said that a Negro maid-caretaker at Rob Lee's Place, a tavern nine miles east of McComb, fired the fatal shot.

The sheriff said the Negro woman told him she was awakened by noise at a rear window of the tavern about 1:30 a. m. Tuesday. She procured a .38-caliber pistol and fired twice at a figure outlined in the window.

One bullet struck Craft in the mouth.

Pike County Coroner Ray Cain held an inquest. The verdict was that Craft "came to his death by pistol shot at the hands of Hattie Lee Barnes."

Sheriff Lee and Sheriff Marshall Bullock continued an investigation.

Lee said two companions of Craft, James Easterling, 27, and Oscar Hope, 22, are held in Pike county jail, and the Negro woman was in custody at an undisclosed location. No charges have been filed.

Sheriff Lee said he was informed that Craft and his companions had been customers of the tavern for several hours earlier in the night.

Negro, Wife Are Charged in Slaying Of Magee Officer

MENDENHALL — (AP) — First degree murder charges were filed Tuesday against George Durr and his pregnant wife in the slaying of Constable Bernice Herrington last Friday, Sheriff Sam Johnson said.

Johnson said the charges were filed in the Justice of the Peace court here.

Durr, a 24-year-old Negro, was found Saturday night in the trunk of a car being driven over a back-country road between here and Prentiss. His capture climaxed a 31-hour manhunt that involved between 500 and 600 armed civilians, 50 highway patrolmen and a foot-by-foot search of a 225 square mile area.

Herrington was killed and his brother, Eugene, wounded in a gun battle at Durr's backwoods cabin where the constable had gone to repossess a wagon on which Durr still owed $25.

Durr, who had the mumps, wrestled with the constable while his wife jumped on Eugene Herrington's back. After the constable was killed, Durr made his escape into the woods.

INDICT SICK MAN, WIFE FOR MURDER OF DEPUTY

MENDENHALL, Miss. —(ANP)— A bedridden Negro and his pregnant wife were indicted here last week for the murder of a white constable in their home two weeks ago as he tried to take an item from the Negro's house.

The accused are George Durr, 24, sick in bed with the measles at the time of the shooting, and his wife. Killed in the melee was Constable Bernice Herrington, and injured was his brother Eugene.

A posse of 600 white men tramped through a 225-square mile area to capture Durr after the fatal shooting. He gave up meekly, armed with only a pocket knife.

The whole trouble started when Harrington came to the Durr home to serve a legal paper on the Negro for owing a $25 debt on a wagon. When Durr would not give up the wagon, the white man left and returned with his brother.

Then a fight began with his brother battling the pregnant woman and Harrington the man with the measles. Then a gun battle began. When the smoke cleared away, the constable was dead with one blast, and his brother was injured.

The brother informed the white folks who gathered in a Negro church to plan the capture of Durr who had run away. When caught, the Negro was taken to an undisclosed jail.

Sheriff Sam Johnson said the charges were filed in the justice of the peace court in Mendenhall. The Durrs live in Magee.

Charge Negro Maid With Murder In Pike Slaying

McCOMB. — (AP) — A Negro maid who said she fired at a figure outlined in a window when she awakened to find someone trying to enter a tavern where she worked and slept has been charged with murder.

Pike County Prosecuting Attorney R. B. Reeves said murder charges were filed against Hattie Lee Barnes in the pistol death of Lamar Craft, a white patron of the tavern.

Sheriff R. E. Lee said the woman was a maid at Rob Lee's place, a tavern nine miles east of McComb.

He said the woman told him that when she was awakened Monday night by a noise at a rear window of the tavern, she fired twice with a .38 calibre pistol at a figure outlined in the window.

Police Say Negro Admits Taking Part In Man's Slaying

MERIDIAN — (AP) — Police Chief O. A. Booker said here that a Negro suspect had admitted to him taking part in the murder of C. W. McDonald, 70-year-old white man whose body was found two weeks ago in his store-home.

Three officers left here for Georgia Monday to question a second Negro suspect whom the first Negro told police was in a Georgia army camp.

Chief Booker did not identify any of the Negroes. He said a third had been implicated in the slaying by the present prisoner who told police he had acted as a lookout while two other Negroes entered the store and murdered McDonald.

INDICTED IN SHOOTING OF NEGRO BARMAID

Liquor Dealer Charged With Intent To Murder

COLUMBIA, Miss., June 22. — (AP)—A Marion County man was indicted here Friday on charges of attempting to kill his former Negro barmaid by shooting her three times in the stomach.

The barmaid, Hattie Lee Barnes, is recovering in a Tylertown hospital.

The Marion County Grand Jury returned an indictment of assault and battery with intent to kill and murder against Rob Lee. He is listed with the state tax collector as a retail liquor dealer.

Indicted with Lee was Walter Watson, a Negro. The woman told Walthall County Sheriff Marshal Bullock that Lee shot her three times and that Watson shot her twice.

The Negro woman is free under $1000 bond in Pike County on a murder charge in the death of Lamar Craft at Lee's Pike County tavern last April. The tavern later was closed by a court order.

Pike County officials said the barmaid admitted shooting Craft when he attempted to enter the place after closing time. Later she was reported to have changed her story.

No information was available on the jury's action on charges against Craft's two brothers, Bennon and Milo. They were arrested after Lee was ambushed near his home May 10.

Statement Taken From Negro Held Here for Murder

A written statement from Frank Moses, Negro who confessed to the brutal bludgeon slaying of Mrs. Annie Powell, wealthy Hinds county widow, was taken by Hinds sheriff's deputies Friday.

Mrs. Powell, 71, was found slain at her home in western Hinds county Tuesday night.

The Negro, 28, confessed to the slaying, according to deputies. Officers said the motive may have been robbery or attempted criminal assault. The Negro claimed he wanted to borrow some money from Mrs. Powell and knocked on the window.

Mrs. Powell was taking her bath at the time the Negro gained entrance to the house, officers said. Her body was nude when found just outside the back door of her home on the Raymond-Edwards road. An inquest jury ruled that she came to her death by murder by being struck on the head with a blunt instrument.

Mrs. Powell was found by a Negro tenant, Louis Williams, who was summoned to the home by her screams.

Moses is being held in jail without bond here. Officers said he admitted standing behind the smoke house on the place and waiting until Mrs. Powell started bathing.

Humphreys Court Again Finds Negro Guilty in Slaying

BELZONI — (AP) — Charley Holmes, Negro once convicted and sentenced to die for the slaying of a Copiah county telephone worker, was convicted of the murder again Wednesday night.

Holmes won a new trial from the State Supreme Court when he accused Humphreys and Hinds county officers of coercing him into signing a confession.

The Negro was indicted for the shooting of L. B. Traweek. His attorneys told the supreme court he was "put on the horse" to make him sign the statement.

(Putting a prisoner "on the horse" consists of lashing his wrists and ankles together, then suspending him from a pole inserted between them.)

The Supreme Court said the state had not offered sufficient evidence to counteract Holmes' claim and ordered a new trial.

It took a Humphreys county circuit court jury 40 minutes to vote a new conviction after re-hearing the testimony, including officers' denials that they had coerced the Negro.

He will be sentenced Thursday. The jury verdict automatically carries the death penalty.

$1200 REWARD OFFERED

LAUREL, Miss. — (ANP) — Rewards totaling $1200 were offered here this week end in the mysterious slaying of Lewis D. Egan, 58, a Masonite worker and also a Baptist preacher.

Sheriff Doubts Negro Killed Man

HERNANDO, Miss. - (ANP) - Chief Deputy T. B. Hobbs, last week scoffed at the idea that a Negro had killed Willie Walter Childress, 26, white manager of farm operations for the famous Circle M. Hereford Ranch at nearby Senatobia. It was reported that the last time the victim was seen he was in company with a Negro.

Deputy Hobbs ruled out the possibility that Childress had been slain by a Negro, saying: "That's not the way a Negro would have killed a man. A Negro would have shot him and run and left the body there."

The truck in which Childress was riding was found abandoned on a lonely gravel road near here, not more than a mile from where the bodies of Charles C. Gerber, Memphis business man, and his Negro chauffer were found murdered Feb. 27, 1948. The double slaying was never solved.

Whites Face Assault Charge In New Year's Attack Case

VICKSBURGH, Miss.—(ANP) - Two white men were charged with assault to kill and murder with a deadly weapon here last week for a New Years eve attack on a colored woman.

The victim of the attack was unidentified, but according to Sheriff Henderson, she was abducted from a rural store by J. B. Stuart, 31, of the town of Crowder and Lonnie Bevell of Batesville, and taken to a deer-hunt camp in a remote section of Warren county.

Immediate investigation failed to disclose any trace of the woman that night, However, the sheriff arrested the two men. New Year's Day, the woman stumbled into the yard of a farmer who lived near the camp. She was bloody, half clothed ,and said she had been assaulted and beaten by two white men. She was taken to a local hospital for treatment.

Both of the accused denied connection with the attack, which was described as a wild New Year's eve spree.

Forced To Admit Crime, Youth Says

MERIDIAN, Miss. — A Negro youth on trial for his life in the alleged murder of a white man testified in court Friday that he was beaten into confessing the crime.

James Ray, Jr., testified in circuit court here that brutal third degree methods were used to make him say that he killed C. W. McDonald, 70, a white store keeper. The prosecution had earlier introduced a tape-recorded confession.

Indict Sick Man, Pregnant Wife for Murder of White Deputy in Mississippi

MENDENHALL, Miss.—(ANP) — A bedridden Negro and his pregnant wife were indicted here last week for the murder of a white constable in their home two weeks ago as he tried to take an item from the Negro's house.

The accused are George Durr, 24, sick in bed with the measles at the time of the shooting, and his wife. Killed in the melee was Constable Perhice Harrington and injured was his brother, Eugene.

A posse of 600 white men tramped through a 22-square mile area to capture Durr after the fatal shooting. He gave up meekly, armed with only a pocket knife.

The whole trouble started when Harrington came to the Durr home to serve a legal paper on the Negro for owing a $25 debt on a wagon. When Durr would not give up the wagon, the white man left and returned with his brother.

Then a fight began with his brother battling the pregnant woman and Harrington the man with the measles. Then a gun battle began. When the smoke cleared away. the constable was dead, with one last, and his brother was injured.

The brother informed the white folks who gathered in a Negro church to plan the capture of Durr who had run away. When caught, the Negro was taken to an undisclosed jail.

Sheriff Sam Johnson said the charges were filed in the justice of the peace court in Mendenhall. The Durrs live in Magee.

Officers Charged By U. S. With 'Beating Negro' In Jail To Force Confession

Pike County Sheriff Robert E. Lee and four of his deputy officers have been indicted by a federal grand jury on a charge of depriving a Negro of his Constitutional rights in connection with alleged beatings in June of 1950.

The five officers were indicted on Aug. 17 by a grand jury in Vicksburg, but the indictments were sealed on orders of Judge Sidney C. Mize until after the Aug. 28 primary election.

The sheriff and his deputies appeared before the U. S. Commissioner here Friday and posted $1000 bond each and were released until the November term of federal court here.

Others named in the indictment were

Deputy Sheriff Andrew Jones of McComb.

Nolan Wall, county highway patrolman and constable of Osyka.

Deputy Sheriff Frank Smith of McComb.

J. J. Monfourt, county highway patrolman and constable of McComb.

Nolan Wall and J. J. Monfourt were both reelected to constable posts in the Aug. 28 primary. Monfourt won over his opponent, Lee Allen by a vote of 1905 to 1839 while Wall was elected over Fred Spears 308 to 261.

U. S. Deputy Marshall B. A. Bush said the officers appeared voluntarily Thursday morning to post bond and be fingerprinted. The indictments were sealed until after Aug. 28 on request of U. S. attorneys.

The Federal warrant here said they were indicted on a charge of "conspiracy to deprive Murray Gray of his constitutional rights and depriving Gray of such rights."

Last summer, the 23-year-old Magnolia Negro was arrested in connection with a robbery at the filling station which employed him. After reports were published that Gray had been beaten, the McComb Enterprise-Journal, in a front page editorial, called for an investigation

A committee of white citizens from Magnolia, headed by J. B. Lampton, conducted an inquiry. They visited Gray at the Walthall county jail in Tylertown where he had been removed, and reported they found Gray was in need of medical attention.

Gray was later released from jail after another Negro was arrested in connection with the robbery. He was drafted later, according to reports, and is now serving in Korea.

After the Enterprise-Journal editorial appeared, a group of McComb church women formed a committee to make monthly inspections of jail conditions.

The presidents of about 22 women's clubs in Magnolia called a meeting and adopted a resolution scoring the incident.

Lampton Reed of Tylertown worked with the Magnolia committee which examined Gray. Other members of the group were A. B. Cutrer, W. L. Kennedy and R. M. Prescott.

The Enterprise-Journal editorial, signed by Publisher Oliver Emmerich, appeared July 13, 1950 and said in part:

This is a case of a prisoner alleged to have been cruelly mistreated x. x. x now it is officially reported that another prisoner is being sought for the crime x x x.

This is not typical American justice and there is no way of rearranging the circumstances to make it just.

The indictment charged that on July 3, 1950 the five officers removed Gray from the Pike county jail in Magnolia and carried him to wooded area on the north side of Muddy Springs road about one mile west of Cooter's Camp, west of Magnolia.

There, the indictment continued, they handcuffed Gray to a tree and "with leather strap, switches, and other weapons—did intimidate, strike, bruise, batter, beat, injure, torture ,and assault said Murry Gray with the intent illegally to extort a confession from him."

The indictment further charged that on the same day the officers took Gray to another point between Magnolia and McComb and beat him again.

All five officers were charged with the beating of Gray on the morning of July 3, but Sheriff Lee and Officers Jones and Smith were charged with the alleged afternoon beating. In addition, all five officers were charged with conspiring to deprive Gray of his constitutional rights.

Simpson County Negro Farmer Gets Death Penalty In Slaying Of Constable

Trial Of Wife Set, March Term Of Court

MENDENHALL, Miss., Dec. 4 — (DSN) — James Brent Durr, Simpson County Negro Tenant Farmer was convicted and sentenced to death here last Friday for the murder of a Simpson County constable and wounding of his brother.

Durr was sentenced to die in the state's portable electric chair here on January 4, 1952 by Circuit Judge Homer Currie.

Durr was charged with murder in connection with the slaying of constable Bernice Herrington, and wounding his brother, Eugene Herrington, last April 13th in a shooting at his rural farm home.

According to reports the shooting took place when the constable, accompanied by his brother, went to Durr's home to collect a $25 debt on a wagon which Durr had bought from a local merchant.

In a pre-trial statement Durr charged that he shot the constable and his brother only after circumstances forced him to shoot in defense of himself and his wife and young son. Durr said that he shot the constable only after he and his brother had fired several shots, and stated the intention to kill him and when a shot which was aimed would have killed his pregnant wife, and possible his young child if it had been fired.

The trial of Durr's wife who was in a late state of pregnancy at the time, and who has since given birth to their second child, who was also charged with murder in connection with the incident has been set for the March term of the Simpson County Circuit Court.

While the trial was heard before an all-white Jury Counsel for Durr, appointed by the state lost a motion to quash the murder indictment against Durr on the grounds of systematic exclusion of Negroes from grand jury duty and the other for a change of venue on grounds that Durr could not be given a fair trial here.

The Attorneys appointed by the state to defend Durr were Dan McLeod of Mt. Olive, and A. W. Raney of Magee, Miss.

No statement was made regarding a possible appeal in the case.

Windol Whitt Must Serve Life Sentence For Part In Mass Murder, Court Rules

The State Supreme court Monday uphed the murder conviction and life sentence of Windol Whitt, one of the three Attala white men convicted in the brutal mass slaying of a Negro family in January 1950.

The High court ruled that the Attala circuit court injury was correct in finding Whitt was guilty as a principal in the death of Ruby Nell Harris, by standing outside the back door of the Negroes' home and threatening to shoot anyone who came out. The jury failed agree on a punishment, making life imprisonment automatic.

The decision, written by Associate Justice Lee Hall, points out that Leon Turner (elsewhere identified as the "trigger man" of the trio) killed young Ruby Nell Harris, two young brothers, and wounded Thomas Harris and another daughter.

The decision holds that in standing outside the door with a shot gun and threatening the life of any members of the family who tried to leave the house, Windol Whitt contributed as a principal to the murder of little Ruby Nell.

Leon Turner was found guilty of the murder of one of the children and sentenced to life.

Thomas Harris, father of the Negro family involved in the slaying, testified for the state from a cot in the trials of Turner and Windol Whitt.

He died before the trial of Malcum Whitt, brother of Leon, and Malcum Whitt was allowed to change the plea to manslaughter. He was convicted of the crime and sentenced to ten years.

Judge Hall described the slaying as "cold-blooded, heartless and dastardly butchery" and added that Windol Whitt activiely participated in the crime.

Turner and the Whitt brothers escaped from the Attala county jail while being held as prisoners on charges of burglary and the unlawful possession of intoxicating liquor.

Arming themselves with deadly weapons they went to the Harris home in an "orgy of revenge."

They allegedly thought Harris had caused their arrest by telling the law of a disturbance at his home in December, 1949, involving the trio. Harris testified however, he had had nothing to do with their arrest in December.

The cases of the court of Judge J. P. Coleman, their circuit judge, now State Attorney General.

The high court upheld the Bolivar court's conviction and 15-year sentence of Tom McGee, Jr., for manslaughter in the death of James Warren. Both are Negroes.

The killing occurred after the pair had left a Negro night club, where they had had an argument.

The decision was written by Associate Justice Lee Hall.

The court upheld the Adams circuit court conviction and three-year sentence of F. Charles Smith for burglary.

Smith was found guilty of burglarizing a Natchez business house, taking a clock, a radio and 24 cartons of cigarettes.

In further action the court:

Reduced from $18,000 to $15,000 a judgment won by S. S. Stephens against Kincade and Lofton, Contractors, for injuried he received when he fell from a power pole while working for the firm in Lincoln county;.

Upheld a $25,000 judgment against Southland Broadcating Co., operators of Radio Station WLAU, Laurel, and C. Hubert Leggett, Company president.

The award was won by Billy Tracey, a $55-a-week WLAU announcer. Tracey was injured when Leggett's car, in which Tracey was a passenger, overturned several times near Ellisville on April, 21, 1949.

White Killer Loses Appeal, Must Serve Life Imprisonment

JACKSON, Miss. — Windol Whitt, white, lost his appeal in the State Supreme Court here last week against a life sentence imposed against him for his part in the massacre of three colored children in Attala county in January, 1950.

Whitt had been convicted after Leon Turner, also white, the ringleader of the trio, pleaded guilty and received a life sentence. The three men killed the children of Thomas Harris at the latter's tenant farm home.

The third member of the trio, Malcolm White, had pleaded gilty to manslaughter and received a sentence of 10 years.

Negro Dies in Chair For Murder of Yazoo Nightclub Operator

YAZOO CITY — (Special) — The second of two Negroes convicted of the slaying of a white Yazoo county nightclub operator paid with his life early Thursday.

He was Lovell Shaeffer, in whose case Governor Fielding Wright refused to intervene last week-end, died in the state's portable electric chair at 12:20 a. m.

Shaeffer and another Negro, Otis Wilkerson, were convicted in the slaying at a Negro nightclub just north of Yazoo City in October, 1949, of Hardy Simmons, the white operator, following a disturbance at the club. Wilkerson was electrocuted some time ago. They were arrested shortly afterward in Panola county.

Shaeffer, of Yazoo county, was strapped into the chair in the Yazoo county courthouse here and the juice turned on at 12:15 a. m. Five minutes later, two Yazoo City physicians, Dr. Gilruth Darrington and Dr. Edward Corbin, pronounced him dead.

A good sized crowd stood by outside the courthouse awaiting the announcement that Shaeffer had been electrocuted. Only court officials and ministers with whom the Negro had talked were permitted inside the room where the electrocution took place.

Shaeffer told officers prior to the electrocution that he had "nothing to say." He refused to eat his last meal, and said that he had eaten nothing for three days.

A Rev. Scott and a Rev. King, Negro ministers from Belzoni and Yazoo City respectively, conferred with the doomed man before he was taken to the chair.

Officers reported that they had no difficulty strapping the Negro into the chair. "He walked up to it and sat down, just like he was getting comfortable for a nice, long rest," Sheriff Sam Parker reported. "His eyes were glassy, and he bore a blank look," the sheriff said.

'Scottsboro Boy' Doesn't Face Chair

DETROIT — First-degree murder charges against Haywood Patterson, 39, one of the "Scottsboro Boys," last week were reduced to second-degree murder and manslaughter.

Patterson is charged with the fatal stabbing of Willie Mitchell in a bar brawl last December. Two previous trials resulted in a deadlocked jury and a mistrial.

NEGRO BEATS DEATH RAP IN MISSISSIPPI

BY JAMES B. LaFOURCHE

MERIDIAN, Miss.—(ANP)—Crying that "they beat me and made me say it," saved Roosevelt Young from the electric chair here last week while on trial for the slaying of C. W. McDonald, white gamerman last April.

Although found guilty, by a circuit court jury, they disagreed as to the punishment.

Before the case went to the jury, Young vigorously declared his innocence from the witness stand. He told a crowded courtroom that two tape recordings of purported confessions made by him, were obtained under force and duress.

Young, Bryant Moody, James Ray, Jr., and Ernest Woodson were all indicted for the murded of McDonald.

Moody, of Butler, Ala., entered a plea of guilty following his indictment, and was sentenced to life in Parchman Prison. Ray, first of the defendants to be tried, was found guilty as charged. The virdict automatically carries the death penalty.

During the trial Moody testified that the slaying of McDonald was committed by Young, Woodson and Ray.

Moody's testimony was shattered when the defense placed Young's parents on the witness stand. They declared that he was at home on the afternoon and night in question and so far as they know never left the premises. In the trial of Young, Moody was not called by the state or the defense in the trial of Young.

New Trial Bid Turned Down In Slaying Case

Special to The Post-Herald

COLUMBUS, Miss., Dec. 5—Judge John D. Greene Jr., turned down a bid for a new trial by Will Brockman, Alabama Negro convicted last week in the slaying of a Columbus grocer.

The grocer, William James, was shot fatally in April of 1950.

Brockman's court appointed attorneys based their motion for a new trial on an alleged confession by the state's star witness that he was the real slayer.

Much of the state's case hinged on testimony by Bobby Williams, 15-year-old Negro youth, who said he saw Brockman shoot the grocer.

Brockman's attorneys said in their motion for retrial that they had learned that Williams confessed to Columbus police officers that he killed James. The alleged confession came two weeks after the slaying.

Columbus Police Chief Mahlon Vickery said at today's hearing that the youth had been questioned for several hours before stating that he had killed James. The police chief said the youth fell asleep several times during the questioning. Vickery said that the boy's confession later was disproved.

Judge Greene in overruling the motion for a new trial said that many suspects and other persons questioned at length had confessed crimes they did not commit. He said that in his opinion, Williams confession after several hours of questioning did not constitute enough grounds for a new trial for Brockman.

Brockman was a fugitive from Kilby prison in Alabama at the time of the slaying here. He later was recaptured in Chattanooga, Tenn., and was picked out of a lineup at Kilby by the Williams youth.

Negro Must Die In Chair For Double Ax Slayings In Delta, Court Decides

A Chicago Negro who confessed the double ax slaying of his wife and her aunt after an unsuccessful argument to lure his spouse and three children back to Illinois must die in the state's electric chair Dec. 20.

The execution date for Jefro Price was set Monday by the Mississippi Supreme Court in affirming a Coahoma county circuit court's conviction. Price was sentenced to die for the ax slaying of his wife, Willie B. Price, and her aunt, Mattie Campbell, at the latter's home near Friar's Point last November.

In appealing to the high court, Price contended the lower court erred in the admission of a photograph of one of his victims; in admitting his written confession, and that the prosecuting attorney made improper remarks to the jury.

In a decision written by Justice J. G. Holmes, the court said the "photograph was pertinent, competent, and material" in that it was used to show exact location, range, extent, nature and severity of the wounds, and to negative the testimony offered on behalf of the appellant that he was only playing when he killed his wife."

The high court also found the confession "freely and voluntarily made" and overturned Price's suggestion of error that the district attorney's remarks were prejudicial to him "particularly in view of the fact the court promptly sustained the objections of the appellant to the remarks and instructed the jury to disregard them." The remarks were not quoted in the decision.

In trying to persuade his wife and three children to return with him to Chicago, Price trailed them to the home of Mattie Campbell where he found his wife with another man.

After a lengthy argument in which Price failed to reunite his family, he brutally killed the two Negro women and gave himself up to Coahoma officers.

The supreme court affirmed a Marion county circuit court's judgement that two Columbia police officers, Jackie Pope and Shella Riley, were not liable for damages sustained by H. L. Holmes, Jr., when the officers shot and punctured the tires of Holmes' car in an attempt to arrest Holmes for "reckless driving."

"In affirming the judgement," wrote Justice McGehee, "we do so because of the facts of this particular case and not as condoning any reckless or wilful use of fire arms in arresting a midsemeanant under different facts and circumstances."

In other decisions the court:

Upheld the burglary conviction in Sunflower county of George Young, who received a two year sentence;

Affirmed a manslaughter conviction of Charlie Faust in Amite county. Faust, sentenced to six years in the state prison, was charged in the death of James Martin in an automobile accident.

Approved action of the Simpson county chancery court in validating a $150,000 school bond issue in the city of Magee.

Turned down an appeal by Clyde Shook from refusal of the Prentiss county circuit court to release him from jail on a writ of habeas corpus; He was charged with possession of liquor.

Ruled evidence given in the Forrest county court was sufficent to convict J. M. Bostic for a second time on charges of wilfully neglecting to provide for his five year old invalid child and leaving it destitute. Bostic, a $1.50 an hour roofer, had been ordered to contribute $25 a week to the child's support. He claimed the county court did not have jurisdiction in the case but the court rejected his stand.

STRICKER RULES OUT REWARD SUIT AGAINST POLICE; HITS LAWYERS

Chancellor V. J. Stricker Tuesday dismissed the petition of Marie Thomas, Negro, against two city detectives, seeking to cash in on the $1500 reward offered in 1948 for the arrest and conviction of the slayer of J. L. Dean, local insurance agent.

The chancellor allowed counsel for the defendants to write into the decree a voluntary agreement to pay Bobrie Luckett, Negro, who formerly got $55 of the money, the total of $500. However, he launched a scorching reprimand of attorneys for the Thomas woman for the tactics they used in seeking to make a case.

The litigation, which had been in the court for over a year, named as prime defendants Detective Lieutenant Eddie Browne and Detective W. T. Chapman. By amendment to the bill of complaint, Sheriff Albert Jones, custodian of the reward money, G. B. Hopkins, district manager of Life Insurance Company of Georgia, and the Luckett woman were made secondary defendants. No relief was sought from these three parties.

The Thomas woman sought to collect the reward on allegations of information given to City Detective W. L. Mitchell when her stepfather, Andrew Pace, Negro, was attacked with a hammer.

In reprimanding attorneys, Chancellor Stricker said that "no attorney is going to testify in his own case in this court. I hope we never have a recurrence of this situation as long as I am on the bench, as we never have had."

Following the ruling, in which the chancellor held he is without jurisdiction, Detective Lt. Browne said:

"We were never worried over the outcome of the case. We knew that we had not done anything wrong, and that we had worked the case hard to get a confession and conviction."

For the crime Arthur Moore, teen-age Negro, was arrested for the Pace assault and confessed to the Dean slaying. He was executed at Hinds county courthouse. Dean's battered body was found near his Chrysler automobile on a lonely gravel road outside of the city. His purse had been robbed from his body.

In testimony Tuesday, Lt. Browne said that he and Chapman went to see the Lucett woman about a bloody $1 bill and during the course of conversation found out that she suspected Moore. The bill, later investigation proved, had no connection with either attack, Browne testified.

Chancellor Stricker, further scoring attorneys for the complainant, said the accusation of public officials in the presence of the complainant "went further than I am sure counsel intended."

Attorney William Harold Cox, representing the insurance company, and Mr. Hopkins were given commendation from the bench for the company's posting of the funds as a reward and defending themselves from a lawsuit, which resulted, he said, from the company's public interest to see a killer brought to justice.

Attorney Will S. Wells represented the two detectives.

The chancellor, summing up the case, pointed to evidence which showed the sheriff had acted in accordance with the instructions of the insurance company which posted the reward funds.

Attorneys Charles W. Busby and John Beech represented Marie Thomas.

Officers Hunt Man, 75, In Mississippi Slaying

LOUISVILLE, Miss., Feb. 20 (U.P.) —Winston and Noxubee County officers today searched the hills of West-Central Mississippi in an attempt to apprehend a 75-year-old Negro who killed a white man and then shot his own wife early today.

Noxubee County Sheriff Harry B. McNeel identified the Negro as Peter Stringfellow. McNeel said Stringfellow killed W. E. Haggard of the Ellison Ridge community, about 13 miles east of here. Haggard was said to have gone to the Negro's home early today carrying laundry for Stringfellow's wife to wash.

The sheriff said the Negro and his wife were quarreling when Haggard approached the house, and that the Negro shot Haggard and then wounded his wife in the side.

Haggard is survived by the widow, a schoolteacher, and a daughter, Miss Hazel Haggard, a student at Belhaven College in Jackson.

Dixie Farmer Dies In Chair

BAY SPRINGS, Miss. — K. C. Newell, tenant farmer, died in the electric chair last week for the murder of his landlord in 1949.

Newell's defense was built around the claim that the pair was engaged in an argument and Newell killed his employer when it appeared that he was going to attack him. Gov. Fielding Wright had granted one stay of execution but refused to intervene again.

Mississippian gets life term in slaying

GULFPORT, Miss., March 3—(AP) —A 25-year-old Biloxi Negro, J. C. Ratcliff, was convicted Saturday of the murder of Thomas Boyle, a 53-year-old New Orleans white man, and sentenced to life in prison.

A Harrison County Circuit Court jury returned a verdict at 10 a.m. after being locked up all night. The jury was unable to agree on punishment.

IN SUCH CASES, life imprisonment is mandatory.

Ratcliff was accused of killing Boyle, a New Orleans apartment house owner, here last Nov. 3. Ratcliff was arrested Nov. 16 and signed a statement admitting the slaying.

NEGRO SENTENCED TO LIFE

Jim Hampton Changes Plea In Death Of McCabe

MERIDIAN, Miss., Nov. 8.—Jim Hampton, Kemper County Negro charged with murder in the death of H. C. McDade, DeKalb business man, entered a plea of guilty in circuit court at DeKalb late Wednesday and was sentenced to life by Judge John Green of Starkville.

Hampton was scheduled to face a jury trial Friday morning but suddenly changed his plea to guilty.

McDade's body, the top of his head blown off by a shotgun blast, was found in the middle of a street in front of a cafe operated by Hampton. After eluding arrest for more than a week, the Negro came to Meridian and surrendered to County Jailer Levi Gray.

6 Willie McGee Demonstrators Jailed in Times Square Tie-Up

NEW YORK, March 31—(AP). A Times Square demonstration against the scheduled execution of Willie McGee, Mississippi Negro, stirred up theater-going crowds Saturday night and led to six arrests.

The arrested persons, three men and three women, all refused to identify themselves.

They were held on charges ranging from disorderly conduct to simple assault.

McGee, convicted of raping a white woman, last Monday failed in his fourth attempt to get the U. S. Supreme Court to review the case.

Police said about 500 persons were involved in the demonstration.

It started when demonstrators stationed at all four corners of the 43rd St.-Broadway intersection began chanting "Save democracy —free Willie McGee.

Some pulled from under their coats placards reading: "Stop the lynching of Willie McGee."

Police had learned of the plans for a demonstration and some 60 foot and mounted patrolmen and detectives were assigned to augment the normal force of a dozen patrolmen in the area.

As the chanting, placard-bearing demonstrators pushed their way through the theater-going crowds, the crowds overflowed into the streets, tying up traffic.

Some bystanders shouted "Communist" at the demonstrators, and pointed them out to police as they tried to lose themselves in the crowd.

Finally mounted police guided their horses onto the sidewalks, and broke up the demonstration.

Crowds were back to normal about 45 minutes after the demonstration began.

The six prisoners were booked as "John Does" and "Jane Does."

Four Negroes Are Charged in Slaying Of Meridian Man

MERIDIAN — (AP) — Police Chief O. A. Booker said Saturday four Negroes have been charged with murder in the death of an aged storekeeper whose beaten body was found April 8.

Booker identified the four as James Henry Ray, 24, Ernest Woodson, 23, Roosevelt Young, 25, all of Meridian, and Bryant Moody, 24, of Butler, Ala.

Booker said the quartet had been to a crime movie shortly before the store was robbed. The victim, C. W. McDonald, 70, lived in a back room of the store.

Dan Driscoll, a Sabula, Ia., farmer, threw an ear of corn at a fox and killed it instantly.

NEGRO PAYS WITH LIFE FOR SLAYING MARSHALL

Emotionless Lionel Henderson Executed At Batesville

VICTIM'S BROTHER SEES

By JAMES M'BROOM

Special to The Commercial Appeal

BATESVILLE, Miss., July 6.—Lionel Henderson, 26-year-old Negro, paid with his life here early Friday in the state's portable electric chair for the pistol slaying of Samuel T. McCathren, marshal of Pope, Miss., on May 6, 1950.

Eddie Weaver, 33-year-old World War II veteran and brother-in-law of the murdered man, witnessed the execution in the court house here, from his wheel chair. Mr. Weaver was critically wounded by the Negro at the same time Mr. McCathren was killed, and is still paralyzed from the waist down.

Surrendered Next Day

The murdered officer and his brother-in-law had been called to

quiet a Saturday night disturbance among a group of drunken Negroes in Pope, when Henderson fired a three-round volley from a Belgian-made automatic, leaving Mr. Cathren dead and Mr. Weaver critically wounded. Neither Mr. McCathren or Mr. Weaver was armed.

The Negro escaped, but surrendered to Panola County Sheriff E. B. Wilson in the eastern part of the county late the next day, after one of the most intense manhunts ever conducted in this area.

The second electrocution in the history of Panola County went off quietly. C. W. Watson, official executioner, pulled the switch that sent 2300 volts charging through the Negro's body at 12:15 a.m. After 15 seconds the charge was reduced to 1100 volts for 40 seconds. Dr. George Carlson an dDr. George Carlson and Dr. N. C. House pronounced him dead at 12:22.

The murderer said that he had nothing to say when Sheriff Wilson asked him if he wanted to make a last statement just before the electrical helmet was placed on his head. However, he had previously asked eprmission to kneel in front of the chair just before he was strapped in. His voice was inaudible, but he was on his knees for about 30 seconds. Previously he had been served a steak supper, just as he requested.

Shows No Emotion

The Negro showed no emotion, even when Sheriff Wilson read the death warrant, which was issued by the state Supreme Court, to him at one minute past midnight. The murderer had even pulled on the death-cell door from the inside to help an officer close it earlier in the night. However, he did say that he had received excellent treatment while a prisoner in the local jail.

Local authorities anticipated no trouble nor interference in the scheduled execution and made no special preparations for trouble. There was no crowd or automobiles parked around the courthouse, which is in the corner of the square, and no demonstrations of any kind. Until 11:30 p.m., 45 minutes before the execution, the streets and courthouse area were deserted just as they are any other night at this hour.

The Negro killer's execution was witnessed by local officers, newspaper men, Mr. Weaver, and small group of friends and relatives of Mr. McCathren.

WHITE MISSISSIPPI BOOTLEGGER SKIPS INSIGNIFICANT BOND WHEN FACED WITH ATTEMPTED MURDER

Shot Bar Maid Who Knew Too Much Three Times Without Fatal Effect in Road House

SAID HE HAD TO GET RID OF WOMAN

COLUMBIA, Miss. — (ANP) — Rob Lee, white bootlegger and trigger man, failed to appear in court here last Wednesday for the attempted murder of his former Negro barmaid.

Circuit Judge Sobo Dale had forfeited a $2500 bond posted for Lee, and issued a bench warrant for his arrest suggesting a bond of $10,000. The judge then announced court adjourned for the term.

Lee is charged with assault and battery with intent to kill Hattie Lee Barnes, who worked for him as a tavern waitress in Pike county until the chancery court ordered his roadhouse padlocked as a public nuisance.

The barmaid was charged with the murder of Lamar Craft, of Tylertown, white, April 17 at a roadhouse.

Details of the shooting of Craft were not admitted as evidence in Tuesday's trial, in which another Negro, Walton Watson, was convicted of attempting to murder the Barnes woman. He was arrested with Lee in the same incident.

Watson was sentenced to 10 years in prison by Judge Dale.

Sheriff J. C. Broom, who issued a general alarm for Lee's arrest, said the Kokomo resident, registered with the state tax collector as a retail liquor dealer, attended most of Watson's trial. Authorities said they believe he left his home Tuesday night.

During Watson's trial his victim testified Lee brought her back from Leland June 14 in a day and night long trip. They stopped at several places for whiskey, she testified, and wound up at the Marion county roadhouse, operated by Ernestine James.

Lee and Watson are said to have held target practice for awhile and that later Lee followed her around in back of the place. He shot her three times, she reported, after telling her, "I told you I was going to do it."

In a signed statement admitted as evidence, Watson said Lee returned from the back of the house, and handed him a pistol.

Acting on Lee's instructions, Watson's statement said, he went back behind the house and fired twice more at the woman "but tried to miss her." She testified that both shots took effect. She had five wounds when admitted to the Tylertown hospital.

Ernestine James, who operates the tavern, said she heard Lee say, "He had to get rid of Hattie Lee."

Hampton Gets Life Sentence For Murder

MERIDIAN, Miss., Nov. 8 (U.P.)—Jim Hampton, a Kemper County Negro, was sentenced to life imprionment in the State Penitentiary at Parchman today after pleading guilty to the murder of a white DeKalb merchant.

H. C. McDade was found shot to death in front of Hampton's store in DeKalb last month. Hampton surrendered to officers several days after the shooting, saying he had fled becaues he feared mob violence.

Sentence was passed on Hampton by John Green.

White Bootlegger Fails To Appear For Trial In Shooting Of Negro Bar Maid

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NEGRO FOUND GUILTY AFTER SPEEDY TRIAL

Mississippian Given Life Term In Louisville Case

Special to The Commercial Appeal

LOUISVILLE, Miss., July 14.—Climaxing a speedy, one-day trial, a jury required only 50 minutes late Friday night to find Pete Stringfellow, a 67-year-old Negro, guilty of the pistol-slaying of Ernest Haggard, a prominent white farmer.

The 53-year-old Winston County white man was shot to death Feb. 20 while visiting Stringfellow's farm.

The jury reported at 11:05 Friday night they had found the Negro guilty of murder, but had disagreed upon the punishment. Three were for electrocution, nine for life imprisonment.

Judge Henry L. Rodgers, in conformance with Mississippi law in such instances, sentenced Stringfellow to life in prison.

The trial opened at 9 Friday morning with the selection of the jury. Participants ate lunch without interrupting the proceedings, but court was adjourned for two hours and 10 minutes for dinner.

The case went to the jury at 9:55 Friday night, with the verdict returned 50 minutes later.

The courtroom was packed throughout the trial, despite the 100-degree heat. There were no demonstrations.

Stringfellow did not deny the shooting in his appearance on the stand. He testified he shot at Mr. Haggard six times.

The Negro's 22-year-old stepdaughter, Emma Trice, testified she was an eye-witness to the slaying.

3 Soldiers Face Death for Killing Cabby

Afro-American

FORT LENOARD WOOD, Mo—(ANP)—Three soldiers were closer to death last week when they were found guilty of first-degree murder in the slaying and robbery of a 51-year-old Waynesville, Mo., taxicab driver.

12-10-27-31

Pvts. James L. Riggins of Tallahassee, Fla.; Louis M. Suttles of Chattonooga, Tenn., and Chastine Beverly, Balky, Va., found guilty by a nine-man military court last week, face execution probably by hanging from civilian authorities. The soldiers, tried for beating and robbing Harry Langley, a cab driver, would have been sentenced to death by a firing squad had the victim been a member of the military.

Important 'Trenton Six' Facts

DEFENDANTS: Collis English, 30, Ralph Cooper, 25; McKinley Forrest, 36; John McKenzie, 26; Horace Wilson, 37, and James Thorpe, 26.

CHARGES: Accused of murdering William Horner, 78, in his second-hand store, Jan. 27, 1948, during the process of a burglary.

1st TRIAL: All sentenced to the electric chair following a 44-day trial in 1948.

THIS TRIAL: Retrial ordered 18 months ago after the Supreme Court reversed the original verdict.

PRESENT PROSECUTOR: Mario H. Volpe aided by First Assistant Prosecutor Frank H. Lawton.

DEFENSE COUNSEL: Raymond Pace Alexander, Philadelphia; Clifford R. Moore, Trenton; Arthur Garfield Hayes, New York; former Judge George Pellettieri, Trenton; and J. Mercer Burrell, Newark.

PRESIDING JUDGE: Superior Court Judge Ralph J. Smalley, assigned by the Supreme Court to preside at the retrial.

VICTIM IDENTIFIES 3 OF 'TRENTON SIX'

Common-Law Wife of Man, 72, Killed in Holdup, Says 4th Had Been in Shop Earlier

By THOMAS P. RONAN

Special to THE NEW YORK TIMES.

TRENTON, March 20—A woman who was brutally beaten when William Horner, 72-year-old shopkeeper, was murdered here three years ago, identified three of the six men on trial for the hold-up killing today as having been in the store at the time and a fourth as having visited the place a number of days earlier.

The woman was Mrs. Elizabeth Horner, who said that she had neve rbeen legally married to the shopkeeper but had lived with him for thirty-two years and had been known during that time as Mrs. Horner. As the only person in the store with Mr. Horner when the bandits entered, she is one of the state's chief witnesses.

Mrs. Horner admitted that she had not been able to identify the four men when she saw them in a police station about eleven days after the killing but said that one of her eyes was still swollen as a result of the beating and that she could not see too well out of the other.

She said she had not wanted to identify the four men she saw at the station when she looked through a small aperture from one room to another because she was not sure. After a lengthy and sharp cross-examination, she said she told the police that the men in the room were not the ones she had seen in the store.

Mrs. Horner, also admitted that she had not identified the men face to face until the first trial in the summer of 1948, and said that shortly before that she had been shown pictures of the six in the prosecutor's office. She said, too, that during the time between the murder and that trial, she had seen the men's pictures in the newspapers six or seven times.

Insists Men Were In Store

Mrs. Horner insisted again and again that the men whom she identified readily today had been in the shop, three of them at the time of the attack. She denied flatly that she knew the men only be cause she had seen their pictures.

"I knew these men because I remembered them and I will never forget them," the 62-year-old woman asserted at one point. At another she said their faces were on her mind all the time.

The men identified by Mrs. Horner were Ralph Cooper, Collis English, McKinley Forrest and Horace Wilson. She said she had not seen James Thorpe, who according to the state was an inside lookout during the holdup murder, or John McKenzie, accused of being a lookout outside. The six were sentenced to the chair after the 1948 trial, but a retrial was ordered by the State Supreme Court when errors were found.

Although the state contends that all but McKenzie were in the store at the time of the killing, Mrs. Horner placed only Forrest, English and Wilson there. She said that she had seen Cooper in the shop at an earlier date talking to Mr. Horner.

At the request of Prosecutor Mario H. Volpe, the frail, primlooking woman stepped down from the witness box three times, first to identify Cooper, then Forrest and English and last Wilson. Each time she put her hand on the man's shoulder and in a firm, clear voice named him.

Identity "for the Record"

Mr. Volpe noted "for the record" that she had identified the men, although Wilson had moved from his usual seat with the defendants to the counsel table and despite the fact that Negro attorneys had moved into seats near the defendants. Mr. Volpe also noted that five of the six defendants were wearing brown suits today.

Mrs. Horner said that on Jan. 20 Forrest and English came in and inquired about a mattress and that Forrest put a $2 deposit on it. She testified that they returned on Jan. 26 and Forrest got the money back when he complained that there was a hole in the mattress.

The following morning at 10:30 o'clock the two were back again, Mrs. Horner testified. She said a moment after they came in she saw Wilson step "gently" into the store, but Forrest said he was not with them.

While Forrest and English went into the back room with Mr. Horner to look at the mattress, she showed Wilson a stove he professed to be interested in, she said. While she was bending over she felt "a terrible crash" on her head and "an awfully hard blow" on her face.

Mrs. Horner said that she was knocked unconscious and did not see the men leave the store. The police who responded to her alarm found Mr. Horner unconscious in the back room. He died of a fractured skull that afternoon. She had a dozen stitches taken in her head and also suffered a fractured cheekbone and two fractured ribs.

Before she took the stand, Dr. Edmund W. Burroughs, assistant staff surgeon at the hospital where Mr. Horner died, testified as to his injuries and also said $1,570 was found in his pockets. Mrs. Horner that he always carried large sums with him.

While the crowded courtroom was quiet most of the day, loud murmuring several times during Mrs. Horner's testimony brought a warning from Superior Court Judge Ralph J. Smalley that he would clear the room if it continued.

A Vindication of Our System

THE DECISION in the celebrated case of the Trenton Six was gratifying to all of us who hate injustice.

It was at the same time a vindication of the American system of justice which has shown again and again an elasticity and adaptiveness which is at once a bulwark of our free system and a beacon to the world.

Somebody was murdered, somebody was guilty of that murder and it was the duty of constituted authority to find the guilty and punish them in a just trial before a jury of their peers.

Elsewhere in the world, with the possible exception of Britain and Western Europe, the Trenton Six would have long since been executed and no protest would have been tolerated against the action of police and courts.

But American justice takes its time and gives the accused every opportunity to prove innocence, as in the case of the Trenton Six; and while an accused is sometimes "railroaded" to prison or death, this actually happens very seldom because the friends of the accused are free to protest and to persist in his defense.

As Raymond Pace Alexander, the brilliant Philadelphia defense lawyer, well said, the verdict is an "excellent answer to our critics abroad and those at home who would subvert justice in America and use this case for unfair and unjustified propaganda."

The American courts have been a solid bulwark of the liberties of the lowly and underprivileged, as any examination of the last half century of legal history will show.

Where lower courts have nodded, higher courts have in most instances corrected injustices, and the U. S. Supreme Court is gradually wiping out the legal basis for the bane of color discrimination.

NAACP TEAM IN TRENTON SIX CASE—Defense attorneys and officers of the New Jersey State Conference of branches of the National Association for the Advancement of Colored People mapping strategy for the re-trial of the famous Trenton Six case, which was declared a mistrial and postponed until March 5 after Prosecutor Mario Volpe was suddenly stricken with appendicitis a day after jury selection began. Left to right are Reverend Charles E. Watkins, treasurer of the N. J. NAACP Conference; Clifford R. Moore, defense counsel and chairman of the legal redress committee of the Conference; Raymond Pace Alexander, chief defense counsel for John McKenie and Horace Wilson, the two defendants whose case is being handled by the NAACP; J. Mercer Burrell, defense counsel and chairman of the legislative committee of the Conference; and Dr. U. S. Wiggins, president of the Conference.

Trenton 6 Doped, Says Physician

By RALPH JONES

TRENTON, N.J.

The spectre of death that has been dancing a happy jig on the dark walnut paneling of the Mercer County Superior Courtroom assumed a dejected pose as the "Trenton Six" murder case broke in favor of the defendants on Friday.

Not even the presence of "De Lawd," William Marshall of the Green Pastures cast, could detract from the great drama of the State's major witness, Dr. J. Minor Sullivan 3rd.

Emphatic Admission

Dr. Sullivan all but wrecked the super-structure of the State's case when he emphatically testified under the quiet but probing questioning of Raymond Pace Alexander of defense counsel that at least three of the defendants showed symptoms of having been drugged.

Bitterly Criticized

Everyone in the court snapped to rapt attention, for Dr. Sullivan had not been so emphatic in his testimony during the first trial that ended in the death sentence for the sextt.

In fact, criticism of Dr. Sullivan's role had been bitter and even unjust in light of the circumstances in which he became involved in the case. This favorable testimony was also in direct contrast to Dr. Sullivan's attitude on Thursday afernoon when defense counsel ex-judge George Pellettieri had excoriated him with searing words about his racial loyalty.

The attack, according to Prosecutor Mario Volpe, was unjustified and Judge Ralph J. Smalley sustained his objections.

As a result of this exchange, partisan spectators had come into the courtroom in a resentful and sullen mood against the debonair medico.

I glanced around as his positively favorable testimony was given. Throughout the spectator section, bodies were relaxing, slight smiles appeared on what had been grim faces.

Warm friends of the physician, who had come to give him moral support, broke out into happy grins.

Mild-mannered Judge Smalley registered surprise. Prosecutor Volpe was openly perplexed and slight sneers appeared on the faces of the few police officials seated within the court room.

Abruptly Judge Smalley addressed the witness saying "Inasmuch as I have to pass judgement on these confessions, doctor, I don't want possibilites. I want reasonable probabilities. In the light of your medical experience, could drugs have been used on these defendants."

"Yes," quietly replied Dr. Sullivan. A satisfied sigh came from somewhere among the spectators. Court attendants called out a modulated "Quiet, please."

Then, bit by bit, Mr. Alexander drew out of Dr. Sullivan the admission that Ralph Cooper, James Thorpe, John McKenzie and Collis English displayed physical symptoms akin to those of persons under the influence of certain narcotics.

Thought Marijuana

Dr. Sullivan stated that Cooper appeared so drowsy and sleepy that it seemed to him that Cooper had been smoking marijuana. Thorpe, the doctor said, was in a depressed mood—another common reaction to drugs.

John McKenzie was nervous and excited—a condition that might have been caused by drugs. Collis English was "highly nervous, a little mumbly and confused," according to the physician.

Dr. Sullivan, under probing of Judge Smalley, then pointed out that some of these same conditions could have been produced otherwise.

Listing them together, Dr. Sullivan observed that drugs, marijuana, lack of sleep, too much sleep a state of excitement, agitation, being beaten, being kept awake or lack of food all could have caused the condition.

Prosecutor Volpe in frantic attempts to nullify Dr. Sullivan's testimony retraced his previous first trial statements over the objections of defense counsel. The latter argued that the State was trying to impeach its own witness through this procedure.

Serious Heart Attack

This legal point was being pushed when an anticlimax of serious proportions came. Collis English pivotal figure in the confessions and first person arrested in this case, was seized with a serious heart attack as the day drew near a close. If it is serious it might cause a mistrial.

Heart specialists Drs. Otto Tomec of McKinley Hospital, Harry Kaplan of St. Francis Hospital and John A. Kinczel were approved by Judge Smalley, defense and prosecutor to administer to English.

Upon a preliminary examination in the prisoner's detention room near the courtroom, Dr. Kinczel requested that English be brought to McKinley Hospital, Saturday morning, for complete cardiographs and blood examinations.

He has a valve murmur resulting from rheumatic and malaria fever contracted during war service.

State's Case Shaky Enters Fourth Week as Trenton Six Trial

Police Bungling Bared by Defense

13c Legal Sentence N.J.

By RALPH H. JONES
AFRO Staff Correspondent

TRENTON—Evidence of police bungling in the William Horner murder case, now popularly known as the "Trenton Six" case, became more and more evident as the third week of the trial came to a close.

Almost without exception defense counsel have made some, or all of the State's witnesses admit errors or uncertainty that has pointed toward the innocense of the six defendants.

Police who originally began the investigation that ended with the arrest of the boys were uncertain of many basic and important facts. Miss Elizabeth McGuire, who posed as the wife of the victim for 32 years, was shaken in her testimony through withering cross examination. She is the only witness living who could come anywhere near being an eye witness to the crime.

Discrepancies Exposed

From the State's point of view the most damaging development was the entrance into evidence of police discrepancies in their early descriptions of men sought.

Captain Lewis M. Neese, in charge of the Trenton Police Bureau of Fire and Police investigation, admitted responsibility for some of the radio and teletype broadcasts. First of such broadcasts sought 2 men. Subsequently three and four colored male suspects were mentioned.

Sgt. Lawrence A. Bloking, another police officer, testified as to the description of a getaway car which differed materally in characteristics from that of the automobile associated with the six defendants.

Bloking claimed his description was based upon information given him by Mrs. Virginia Barclay, a neighbor who gave descriptions of both the alleged escape car and the four light complexioned colored men seen entering it. None of these descriptions tallied to that of any of the defendants.

Couldn't Identify Men

Mrs. Argiros Kakenakes, another State star witness, when placed on the witness stand emphatically stated she could not identify any of the suspects. An interpreter of the Greek language was requested by the prosecutor but Mrs. Kakenakes understood English so easily that many of her answers were given without benefit of interpretation.

She admitted selling two bottles soda pop in bottles similar to those entered into evidence as the murder weapon. She could in no wise link the suspects to the sale made on the morning of the murder.

Miss McGuire, recalled to the witness stand on Thursday morning by the defense to clear up some points, further weakened the State's case by admitting that she had $900 in her stocking when taken to the hospital. Another appropriate $100 was also on her person. This discounted the robbery motive in her instance.

Robbery Motive Hit

Earlier in the week defense counsel had caused police to reveal officially that Mr. Hunter, the murder victim, had more than $1500 on him when he was admitted to the hospital.

This, too, buttressed the defense contention that the robbery was not attempted. If it can be established that there was not even a robbery then the major structure of the State's case will again be undermined.

The State has charged the six victims with having participated in a felony which resulted in murder. This stand alone make all the suspects guilty if they conspired in the crime to rob.

Frank A. Eldracker, of 15 Pierce St., was another State's witness who substantially scored for the defense. He had parked his automobile just in front of the Hunter store the morning of the assault.

He first saw two light skinned men leisurely leave the 213 N. Braod St. location. About a minute and a half later Miss McGuire appeared at the door with blood streaming from wounds on her head and face. He responded to her plea for help by running to the corner to get a policeman stationed there. He could not identify any of the suspects as corresponding in description to the pair he observed calmly leaving the second hand furniture store.

All-in-all, this was a defense week. It began that way on Monday when defense maneuvered police records into the trial that described the murder weapon as probably brass knuckles. This would eliminate the soda bottle weapon idea.

Police further added flame to the fire of uncertainty when its fingerprint expect, Lt. Elvin K. Sharpe, testified he had wiped fragmentary ridges from the bottle and fragment found in ... shop following the fatal assault. This, too, weakened the strands of evidence holding the suspects to the Horner murder.

Scene of Crime—"Trenton Six" Case

William Horner, subject of the now famous "Trenton Six" case, met his death inside this gift shop, located at 213 N Broad St, in Trenton. His death has catapulted into one of the nation's most controversial cases

3 Confessions Ruled Out In Trial of 'Trenton Six'

By JOHN ST. GEORGE JOYCE
Inquirer Staff Reporter

TRENTON, April 13.—Judge Ralph J. Smalley today threw out the signed confessions of three of the "Trenton Six" murder trial defendants but admitted three other confessions into evidence, basing his decisions on the circumstances under which each of them was obtained.

The statements, written by police on Feb. 10 and 11, 1948, did not meet the test of "fairness" according to State and Federal laws and the State did not prove beyond a reasonable doubt that they were given "freely," Judge Smalley declared in a lengthy opinion.

IN OWN WRITING

Confessions by James Thorpe, John McKenzie, and Ralph Cooper on the above dates were barred, but a statement in Cooper's own handwriting was admitted. Confessions of Collis English and his brother-in-law, McKinley Forest, were admitted because the State had carried the burden of proof beyond a reasonable doubt to the satisfaction of the jurist, he said.

After announcing his findings, Judge Smalley sent for the jury, absent for three weeks during the test of voluntariness. They will again be in their seats Monday and will again hear all that has transpired since they were sequestered in a Trenton hotel.

ONE DENIED COMPLICITY

Judge Smalley advised them that notwithstanding the alleged confessions, it was for them to decide on the voluntary nature of those confessions admitted and if they were in doubt, to disregard them. Horace Wilson, another defendant, never admitted complicity in the holdup-murder of William Horner, 72, on Jan. 27, 1948.

Judge Smalley based his doubts of the typewritten statements of McKenzie and Cooper on the testimony of Dr. J. Minor Sullivan, a Negro, who examined the defendants the night they signed the documents and who is today a Mercer county deputy physician.

Dr. Sullivan testified that McKenzie seemed to be in a "controlled" state, such as could be induced under hypnotism, when he signed. Cooper appeared to be under the influence of marijuana cigarets, the physician testified.

VICTORY FOR ATTORNEY

"But so there be no misunderstanding, I have no such doubt as to the confession made by Cooper in his own handwriting."

Barring of the McKenzie statement was a victory for Raymond Pace Alexander, Philadelphia lawyer, who drew first admissions from Dr. Sullivan, a State witness, that something was amiss when the statements were signed. Dr. Sullivan had not testified to that effect at the first trial. Alexander is also counsel for Wilson.

Judge Smalley pointed out the denial of Thorpe as to his guilt and refusal to sign a statement. The suspect then said he would sign because he "would only get a day or a few days." Dr. Sullivan had testified that he thought from the remark that Thorpe had been given "promises."

EXPLAINS NERVOUSNESS

The nervousness of Forest may have been attributed to fears not necessarily brought on by police but possibly by a realization of a heavy responsibility under which he found himself, Judge Smalley added.

There was no special mention of English except that the State, under Prosecutor Mario H. Volpe's direction, had satisfied the jurist as to the freely given statement of the defendant.

Grey-Haired Witness Contradicts Stories Of State's Witness

By WILLIAM GARDNER SMITH

TRENTON, N. J.—A queenly woman with greying hair was wheeled into the courtroom Friday, and proceeded to all but shatter the state's case against the "Trenton Six."

She had been brought all the way from Savannah, Ga., by Pullman car to give the lie to testimony made under oath by the state's star "surprise" witness, George W. English, father of one of the "Trenton Six."

The visitor, whose testimony sent an electric shock through the courtroom, turned out to be Mrs. Rubie English—the real wife of George English.

In her testimony she contradicted every important "revelation" made by George English two weeks ago, when his appearance created such a sensation in court. More, she provided an alibi for Ralph Cooper, one of the defendants, at the time of the murder of William Horner, 72-year-old junk dealer.

She said that:

1. Ralph Cooper was at her house, visiting her daughter, at the time the murder occurred. She produced a receipt for a COD package delivered at her door into Cooper's hands at 11:30 A. M., the date of the murder. The murder occurred at 11 A. M.

2. She said that the Ford sedan allegedly used by the "Six" in their murder-robbery of the Horner store was parked outside her door, with the keys in her pocketbook, at the time the murder occurred. The car, it turned out, belonged to her—not George English as English and the state have claimed. She produced a title to prove it.

3. Cooper had never left either a coat or a bottle wrapped in a stocking at her home, at 12 Bean Street. The bottle-stocking combination had been claimed by police to be similar to the murder weapon, and English had testified he found this in a pocket of a jacket belonging to Cooper which was left in his house.

4. English could not have looked up through a cellar register, as he claimed, to witness a scene between Cooper and her daughter the day before the crime. She said, further, that she was in the house, and denied that Cooper had ever said anything to her daughter about plans for a robbery, as English testified.

The very entrance of Mrs. Rubie English involved English in a possible perjury proceedings.

English was asked by a defense attorney: "Do you know this woman?"

He said he did.

"She's your wife, is she not?"

"No, sir, she's not my wife," he declared.

"Are you sure of that?"

"I'm certain."

The attorney then produced a license proving the marriage to Rubie English, July 5, 1944, in Elkton, Md. He said he would push the perjury charges.

Mrs. English took the stand and described her life with English, stating that they lived together in Trenton on Jefferson and later on Bean Streets.

Bandages swathed her arms and legs. As she testified, another English listened attentively, with a faint, ironic smile playing on her lips.

The second woman was Mrs. Emma English, mother of Collis, and a woman who also declares woman bearing the name of Mrs. herself the wife of George. English denied this from the witness stand, and Mrs. Emma English, unlike Mrs. Rubie English, was unable to produce her marriage license.

The eyes of the two Mrs. Englishes met during the questioning and a look of warmth passed between them. Afterwards, in the hall outside the courtroom the two woman kissed and embraced briefly.

If Ralph Cooper's coat had been left at her house for two years, as English claimed, she would have known it, Mrs. Rubie English said. She would also have known about the bottle in the stocking, since she was in the cellar every day.

"He couldn't look through the register up into the room," she testified positively. At that time, she said, the pipe was connected to the register by asbestos and it was impossible to pull the pipe from the screen-like opening through which English testified previously that he had looked.

He claimed, at that time, that he heard Ralph Cooper tell Melrose Diggs, daughter of Mrs. English, that he wanted to get English's car "to do some robbing down on Broad Street."

"I was there all the time," Mrs. English said. "Cooper never said that."

Mrs. Rubie English was the third witness called by the defense at the opening of its case case on behalf of the six. On Wednesday afternoon, the defense had placed Horace Wilson, one of the defendants, on the stand, and on Friday, briefly, called George English.

On Wednesday, Judge Ralph J. Smalley denied defense motions for directed acquittal of the six defendants.

He held, in the face of defense objections, that the state had proven its corpus delecti. "It is sufficient to say that the murder of William Horner occurred," Judge Smalley said.

To the argument of Atty. Raymond Pace Alexander that only twelve words—words they were alleged to have spoken in the presence of police officers—held two of the men in the shadow of the electric chair, the jurist responded:

"True, these words are few, but if true, they are damaging."

Replying finally to the defense charge of contradictions in the testimony of state witnesses, Smalley said, "a jury may or may not believe any witness of the state. There is a sufficiency of legal evidence to have this case, as to all of the defendants, go to the jury."

State Rests In Case of Trenton Six

Ask Directed Verdict In New Jersey Trial

TRENTON, N. J. — As the state of New Jersey rested its case Friday against the six men accused of the 1948 murder of an elderly second-hand furniture dealer, attorneys for the NAACP and other defense attorneys began entering motions asking Judge Ralph J. Smalley to hand down a directed verdict of not guilty for all the defendants, known as the "Trenton Six." In such a verdict, should the judge grant the defense motions, the jury would be directed to acquit the defendants.

In arguing the motion for directed verdicts, Raymond Pace Alexander, who heads the staff of NAACP lawyers defending two of the men, declared that the evidence against the Six is "too confused and nebulous, too uncertain, too beset with fatal contradictions to permit the jury to speculate on the evidence and to 'guess' what happened on January 27, 1948 (the day of the murder) and to 'guess and speculate' on the guilt or innocence of these defendants."

Other grounds on which the defense based its arguments are that the corpus delicti, or evidence that the crime was committed has not been proven and that there was a "fatal variance" between the bill of particulars and the opening address of the prosecutor that this was a murder committed in the course of a robbery, and what the state showed, to wit: "only an atrocious assault, at the very best, on Mrs. McGurie (Horner), for which no one of the defendants is indicted, and the murder of Mr. Horner, not committed in the course of a robbery, for in fact that the state's case itself negatives any robbery or motive or plan to rob Mrs. Horner says there was no robbery."

The defense also contends that the state has "placed beyond the use of these defendants the vitally important evidence bearing on their innocence of any robbery whatsoever," by taking possession of the more than $1,670 in cash found in the dead man's pockets and the diamond cuff link found on his person.

Mr. Alexander and the other attorneys also asked the court to enter a order declaring the "confessions" previously admitted into evidence as being coerced and not now admissible as evidence. The defense contends that Dr. J. Minor Sullivan, on the basis of whose testimony Judge Smalley excluded three of the statements as being involuntary, also proved that the remaining statements were "obtained by virtue of the sustained pressure of questioning until they were overborne by this physical and mental ordeal."

Statements Read to Jury

Efforts by Mr. Alexander and other defense attorneys to prevent the reading of the handwritten statements of Ralph Cooper and the typewritten statements of Collis English and McKinley Forrest proved unsuccessful this week. The statements, admitted into evidence after Judge Ralph J. Smalley barred from evidence Cooper's typewritten statement and the statements of John McKenzie and James Thorpe, were read to the jury by Assistant Prosecutor James Lawton and Police Clerk Henry W. Miller.

Mr. Alexander, who is assisted in defending NAACP defendants McKenzie and Wilson by J. Mercer Burrell and Clifford R Moore argued at length on Thursday in an effort to persuade the state to call as a witness Lieutenant William Stanley, one of the detectives present when the "confessions" were signed, and to prevent the reading of the "confessions" until he is called. Although the state has called a number of other police officers, it has steadfastly refused to produce Lt. Stanley, whom defense lawyers feel would, in cross-examination, aid their case. The defense insists that conversations their attorneys have held with the detective indicate that Lt Stanley's testimony will not be cumulative and, in fact, might have an effect similar to that of Dr. Sullivan. They said that the presumption is that if the state persists in its refusal to summon this witness, his testimony would apparently harm the state's case.

When it became apparent that the prosecutor would not be moved in his determination not to summon Lieutenant Stanley as a witness, the defense asked Judge Smalley to summon him as the court's witness, subject to cross-examination by both sides. This the judge refused to do, stating that there was no precedent for such action in New Jersey and that similar action had been taken in other states only in cases of witnesses who were eyewitnesses to a crime or who for other reasons were extremely important to a case. In this instance, he declared, he must rely on the prosecutor's statement that additional witnesses to the

Father Claims He Heard Plot

Other developments this week centered around the testimony of George W. English, father of Collis, whom the state produced as a surprise witness and who stated that he overheard a conversation in his home concerning the plotting of a robbery on Broad Street. English, who has prison records for carnal assault on two young stepdaughters in 1925 and 1948 and also for atrocious assault and battery against three men in 1940, testified that from the basement of his home he overheard defendant Ralph Cooper

the privilege of subpoenaing the detective as a defense witness if so chose.

asking a woman named Melrose Diggs to help him get the use of English's car for the robbery.

English claims he removed a section of the pipe connected to the heating register and watched the two through the register in the basement ceiling. According to defense attorneys, it would have been impossible for a man to remove the asbestos-covered pipe singlehandedly, without the use of tools, and without creating a disturbance and being discovered. Even if English had been able to remove this pipe, they point out, it would not have been possible for him to observe through the eight by ten-inch hole what was happening on the floor above.

Judge Asked To Free Six

(Special Correspondence)

TRENTON—With the state of New Jersey having rested its case Friday after nine weeks of trial against the six men accused of the 1948 murder of an elderly white, second hand furniture dealer, defense attorneys this week began a series of requests asking Judge Ralph J. Smalley to han

second Negro, had conspired to rob the service station.

Perryman was shot to death by police officers in attempting to escape after his arrest.

Bloxom, who entered the plea of not guilty, contended in his defense that while he had gone to the service station with Perryman, he did not know of his intention to rob the station attendant. Perryman was identified as Luminock's killer.

Following the decision, Bloxom exclaimed "Thank the Lord for justice," when the verdict was read.

The day after the decision, Birmingham newspapers published the names and addresses of all of the jurors, which is seldom done in any case, except to name the foreman.

STATE COMPLETES CASE:

Judge Asked to Dismiss All Trenton Six Cases

By RALPH H. JONES
AFRO Staff Correspondent

TRENTON—With completion of the State's case against the "Trenton Six" last Friday at 2:46 p.m., it became apparent that 5 words hold one suspect in the case and 7 words hold another.

Further, the State has several versions of the killing. Also the alleged murder weapon has not been definitely linked to the suspects and the major State contention of guilt of the Six rests upon the one oral and two written confessions which have a strong taint of unlawful procurement.

McKinley Forrest, described by Collis English as having said "I was the lookout man," is one of those affected by words and James Thorpe, the one-armed suspect, is tied to the alleged crime by his so-called statement of "I was there, I was the watcher."

Defense Makes Motions

Immediately upon completion of the State's case defense attorneys announced to Judge Ralph J. Smalley they had a series of motions to argue before they attempted to present their case. Raymond Pace Alexander and former judge George Pellettieri were designated as the spokesmen for the sextette of lawyers.

Mr. Alexander then presented first a motion to strike out the above mentioned 12 words listing 20 legal reasons buttressing his plea. These same points of law were the basis for discarding three other confessions following the pre-trial phase when the jury was absent.

A second motion was also argued by Mr. Alexander asking the Court to give a directed verdict of not guilty for John McKinzey and James Thorpe on the grounds that the State's presentation of evidence was speculative. This argument also analized the State's theory of the alleged robbery of William Horner as fabulous and not substantiated in point of evidence.

Much of the evidence presented by the State will be challenged by the defense. An all-out battle will be waged against the green soda water bottle the State contends is the murder weapon. Several photographs admitted will be subjected to torrid attacks when the defense opens its case on behalf of the six men.

Arguments supporting the motions of the defense will be completed Monday and Judge Smalley will give his decision late that same day or the first thing Tuesday morning. If he supports the contention of defense counsel some or all of the men will be freed by the directed verdict of not guilty.

Should the motions be denied the defense will have to offset the nine weeks of testimony and evidence piled up by the State. Three of these weeks were used in arguments over the confessions, while two weeks were required for the slection of the jury.

Defense counsel predict that at least the same number of weeks used by the State, namely four, will be needed by them if the case goes through to completion before the jury.

Plan of Attack

At this phase of the Trenton Six case it appears that the defense will center its attack in this manner. (1) It will point out the contradictory and conflicting testimony of State witnesses. (2) It will emphasize the mass of favorable testimony gained from 'star' witnesses for the State.

(3) It will emphasize the unreliability of both police and civilian witnesses as brought out through the cross examination of the parade of people in the State's case. (4) It will show the revenge motive against Ralph Cooper and Collis English that prompted George English to try to send his own son to the electric chair.

(5) Testimony of Dr. J. Minor Sullivan will be used to show how the due process of law was denied the six defendants. (6) Witnesses will be presented in support of the alibis of the suspects which the police ingnored.

Points Stand Out

At just what phase of the defense these various factors will be used is at present unknown to this writer but the above points stand out sharply to one who has constantly followed the progress of the case.

It is difficult to speculate as to now the jury stands at this time. If the case must be completed and all the accused be subjected to a verdict by the jury, as a layman, it seems highly incredible that all will be sent to the electric chair or given life imprisonment. This, however, depends upon how strong a case is now presented on behalf of the accused.

Stress and strain of the case is beginning to tell on all involved. The jury is exhibiting signs of restlessness. Defense and prosecuting attorneys are showing marks of fatigue despite their immaculate appearances in court.

Prisoners Strained

Judge Smalley has long since shown that the weight of his responsibility is not being carried lightly on his shoulders. All of the prisoners are strained in appearance as the legal tug-of-war produces endless emotional changes.

Spectator interest has fallen off and only on sessions following a spectacular and tense situation are the seats filled.

Court attendants have allowed a bit of raspiness to creep into some of their actions and speech as they grow weary. Newsmen covering the case wriggle and squirm as legal arguments delay progress of the case.

Countless Trenton citizens ask "Why don't they get this thing over with? I'm tired of seeing it in the papers but read it because I might miss something."

Monotonous or not it hardly seems probable that this case will end before June.

Hatred flashed from the eyes of Collis and his mother, Mrs. Emma English seated in the second row in the Mercer County Superior Courtroom as the dark complexioned, slightly bald, medium built estranged father of one of the accused, gave testimony that might send his own son to the electric chair.

George English, who is now on probation on a conviction of having carnal knowledge of his own daughter and estranged from his family, struck back by tying in Collis, Ralph Cooper, Horace Wilson, John Mackenzie and James Thorpe as a group of "Buddies."

Said He Overheard Conversation

English, the elder, described himself a farm contractor living at 112 Green St. He discribed overhearing a conversation between Ralph Cooper and Melrose Diggs, a girl living in the home of Mr. English in which Cooper asked the girl to help him get George English's automatic to use in a holdup of a furniture store.

The Elder English testified that in January, 1948, he punished the girl for having disobeyed him and he was falsely arrested on a rape charge. He was in jail at the time and Collis took his car, he claimed, to commit the crime.

He further testified that upon his return from jail after getting bail, he found his Mackinaw type coat and a brown coat belonging to Ralph Cooper, hidden on an ice box behind some cans.

In the coat pocket he found a bottle in a sock. These he said he took to the cellar placed on a box. He was then convicted of the rape charge and sentenced to from 3 to 5 years in the penitentiary.

Upon his release in August, 1950, he was cleaning up his cellar and found the same coats and sock in bottle hidden between two joists holding up the flooring.

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New Jersey (Legal Sentence)

Trenton 6 Leave Jail Cells for Another Trial

Flanked by sheriff's deputies the "Trenton Six" leave the cell block for their trial in the Mercer County court house in Trenton last Monday. They are, but not in the usual order, McKinley Forest, Collis English, James Thorpe, Ralph Cooper, Horace Wilson and John McKenzie.

Inside Your Afro

- **A VISIT TO** St. Albans, the Long Island community which many well-known Americans call home. Don't miss this picture story.
- **TENT CITY**, the Army's hell hole in Bordeaux, France, is revisited by Ollie Stewart.
- **JOE BAKER** is taking Broadway by storm. See what she calls her "horse's tail" in this issue.

'Trenton Six' Drugged, Physician Now Hints

By JOHN ST. GEORGE JOYCE
Inquirer Staff Reporter

Trenton, April 6.—Sensational new testimony by a State witness that several of the "Trenton Six" appeared to have been drugged when they signed confessions electrified the Mercer County Superior Court today at the Horner murder trial.

Dr. J. Minor Sullivan, a deputy county physician who examined the six prisoners, startled the State when, under cross-examination, he asserted he believed several of the defendants appeared dangerous and "controlled" as a result of drugs or marijuana.

HEATED WRANGLE

Dr. Sullivan's testimony precipitated an immediate and torrid legal wrangle as Prosecutor Mario H. Volpe examined him on re-direct examination, quoting his previous testimony in the first trial which was at variance with what he said today. Defense attorneys charged that Volpe was "leading" Dr. Sullivan and also "trying to impeach and destroy his own witness."

First blood for the defense was drawn by Frank S. Katzenbach, 3d, attorney for defendant McKinley Forrest, when Dr. Sullivan told him that Forrest was so nervous that he was shaking and "so afraid that he could not tell just what was going on." The witness said Forrest appeared to be under the influence of drugs.

In the case of defendant James Thorpe, Dr. Sullivan said the man appeared afraid and depressed. He added that, from Thorpe's hesitancy in signing the confession and subsequent signing with the words, "I'll sign and I'll only get a few days or a month," indicated to the witness that he might have received "promises," to that effect.

The witness was emphatic about the condition of Ralph Cooper and James McKenzie, two other defendants. From Cooper's drowsiness, red eyes and lethargy Dr. Sullivan said, "I'd say it was caused by marijuana."

James McKenzie appeared depressed and "controlled," Dr. Sullivan said.

PRISONER ILL AGAIN

Under re-direct questioning by Volpe, the physician said he could think of no reason except drugs that would account for McKenzie's "controlled" state "other than hypnosis during which a person can be led along a line of thinking."

Questioned by Volpe, Dr. Sullivan said he recalled testifying at the first trial in June, 1948, that too much sleep, too little sleep and

Yet he clung to his testimony today that the men gave every appearance of being drugged when they signed incriminating statements.

Collis English, whose mild heart attack recessed the trial yesterday, again caused a recess today.

English was assisted from the courtroom at 3:25 P. M. He was taken to Judge Ralph J. Smalley's chambers and Dr. John A. Kinczel, a heart specialist, was summoned.

Shortly after 4 o'clock Judge Smalley signed an order for the removal of English to St. Francis Hospital for a thorough cardiac check-up. If Judge Smalley is unable to continue the trial Monday and for a "reasonable time thereafter," he probably will declare a mistrial.

Second Mistrial Averted In Case of Trenton Six

Court Advised One Man Faces Surgery

Defendant James Thorpe Loses Arm, Is in Severe Pain; Jury Selection Slow

By RALPH H. JONES

TRENTON—The ponderous Trenton 6, train of justice, ground to a complete but expected stop Friday, the fifth day of the trial, in the Mercer County Superior Court.

From 10 o'clock in the morning until court adjourned 4 p.m., 29 talesmen had sat in the witness box.

Not one was selected although glamourous Mrs. Gloria B. Gibson, dietician at the State Hospital, the fourth colored prospective juror of the 142 examined, was qualified by defense and peremptorily challenged by the State.

Amputated Arm Factor

Visions of another mistrial in the case of the six men accused of murdering 72-year-old William Horner three years ago arose within the opening five minutes of the Friday session.

Former Judge George Pellettieri, counsel for James H. Thorpe, one of the six, reported to Superior Court Trial Judge Ralph J. Smalley that his client was in sever pain from a chronic ailment and faced surgery.

Thorpe, slightly built and the right sleeve of his coat pinned up over the nub of his right arm amputated shortly before his arrest watched wanly.

Doctors Called In

Judge Smalley, visibly affected by the announcement, immediately acted to show he did not want another mistrial declared.

The second trial a month ago ended in a mistrial when Prosecutor Mario Volpe had to undergo an appendectomy the second day.

In order to determine how serious Thorpe's condition was Judge Smalley consented to have Thorpe examined by two physicians immediately. Drs. G. W. Irmisch and Herman Cohen were proposed, one by the defense and the other by the prosecutor.

Reports were requested for the afternoon session and the examination of talesmen was resumed at its characteristic snail's pace.

Medical Report

Immediately following the 1 o'clock noon recess the two physicians reported the results of their diagnosis and prognosis.

Dr. Cohen, the spokesman, told the court:

"With conservative treatment we can keep this man comfortable. However, he has had this condition for two years and if it does not respond to treatment we will have no course except to operate.

Treatment Ordered

Judge Smalley advised the physicians to treat Thorpe and report back to court sometime next week on his condition.

The monotonous parade of prospective jurors in and out of the witness stand followed.

Mrs. Gibson Changes Mind

Mrs. Gibson, who lives at 39 Walnut Ave., and who has a three-year-old daughter, Judy, came closer to being selected than the other three colored talesmen.

They were John Wharton Jr., of 75 Pennington Ave.; James A. Jiles, 38 Ward Ave., and Mrs. Beulah Killingsworth, of 87 Mulberry St.

A graduate of Tuskegee Institute, Mrs. Gibson i one of six dieticians at State Hospital. At first she appeared reluctant to serve but as her civic duties were pointed out she apparently had a change of heart.

Qualifies but Rejected

Through lengthy questioning in which Mrs. Gibson freely used her hands, a la Pearl Bailey to emphasize her responses, she was qualified.

The entire courtroom seemed to respond in a sigh of relief, for observation during the questioning showed both colored and white spectators admiring Mrs. Gibson's beauty and thought provoking responses.

The State's challenge sent the 123rd person called, Mrs. Gibson, back out the door to join the other rejected jurors.

Judge Smalley did not brighten up things any when he announced before adjourning that court would open 9:15 a.m. on Monday and that night sessions would begin wi the second week of the trial.

Judge Denies Mistrial for Trenton Six

TRENTON, April 19 (AP).—Superior Court Judge Ralph J. Smalley today refused to declare an end to the Trenton Six murder trial.

Defense lawyers asked him to declare a mistrial because the State was unable to produce the money that was found on a murdered shopkeeper, William Horner.

The judge said their request was "entirely without merit."

Six men are on trial for the killing, and Mercer County Prosecutor Mario Volpe is demanding they be sent to the electric chair.

GIVEN TO ESTATE

Volpe told the judge that the money, totaling $164[illegible], was turned over to the administrator of the shopkeeper's estate. He said this was done with the consent of Mercer County Judge Charles P. Hutchinson, who presided at the first trial. This trial resulted in sentences to the electric chair for all six, but the State Supreme Court ordered a new trial.

Raymond Pace Alexander, defense lawyer, said the money found on the shopkeeper was "one of the fundamental bits of evidence" because it might have helped show robbery was not committed. Alexander charged that evidence indicated "there was in fact no robbery."

Defense lawyers contend that if the State does not prove a robbery was committed, it cannot asked for the death penalty against all six.

READY TO PROVE ROBBERY

The prosecutor said he was prepared to prove a robbery was committed. He said this would be done with alleged confessions given by three of the defendants.

Alexander, in arguing for the mistrial, said it would be helpful to show whether the money was in a thick wallet or whether it was a thin roll of large bills.

This, he said, would help the jury decide whether it was easy to overlook the money.

State's Case Against Trenton 6 Collapses; 'Confessions' Barred

Ruling May Mean Freedom for Four

Judge's Exclusion of 'Confessions' Seen as Victory for Defendants

By RALPH JONES
AFRO Staff Correspondent

TRENTON, N.J.—The historic Trenton Six Case may end up as the Trenton Two. That was the conclusion of Mercer County court officials here Monday after "confessions" of three men were ruled not admissable as evidence Friday.

The fourth man, Horace Wilson, has never made a statement, other than to steadfastly maintain his innocence.

Judge Ralph Smalley, Friday, ruled that the alleged "confessions" of James Thorpe, John McKenzie and Ralph Cooper were obtained under police duress and, thus, could not be used against them as evidence.

The ruling punctured a big hole in the State's case. Prosecutor Mario Volpe is already on record as saying that the "confessions" formed the chief bulwark of the prosecution. Without them, the State's case was certain to fall flat.

Legal observers were predicting that Judge Smalley would sustain defense motions to dismiss charges against four of the men, all of whom have been in jail since 1948.

Two Sure to Stand Trial

Statements of the other two defendants, Collis English and his brother-in-law, McKinley Forest, were admitted because the State has carried proof beyond a reasonable doubt to his satisfaction, the jurist ruled.

After announcing his decision, Judge Smalley sent for the jury, absent for three weeks while he was hearing evidence on the question of whether the statements had been voluntarily obtained. They were to hear this week the testimony which was given in treir absence.

The judge said he threw out the three confessions because of the testimony of Dr. J. Minor Sullivan, who examined the defendants the night they signed the statements and who is presently a Mercer County deputy physician.

Appeared to Be Hypnotized

Dr. Sullivan testified that McKenzie seemed to be in a "controlled" state, such as could be induced under hypnotism, when he signed. Cooper appeared to be under the influence of marijuana cigarettes, the physician testified. He was one of several persons who watched five of the defendants sign statements at the Trenton police station.

"But so there be no misunderstanding, I have no such doubt as to the confession made by Cooper in his own handwriting," Judge Smalley said.

The prosecution produced a surprise witness in the person of George Sand, storekeeper who had a place a few doors down the street from that operated by William Horner, 72, whom the six are charged with killing on Jan. 27, 1948.

Sand testified that he had seen Forrest, Wilson and Cooper in Horner's shop a few days before the murder. On cross-examination by Raymond Pace Alexander, he admitted that he had not told his story to police until two years after the slaying and that he is a native of Charleston, S.C.

Victory for Alexander

Barring of the McKenzie statement was a victory for Alexander, who drew first admissions from Dr. Sullivan, a State witness, that something was amiss when the statements were signed. Dr. Sullivan had not testified to that effect at the first trial. Alexander also counsels for Wilson.

Judge Smalley cited the denial of Thorpe as to his guilt and his refusal to sign a statement. The police station had testified that

Say Freedom's in Sight for Them

Trenton 6 defendants shown entering court with police attendants. Accompanying story tells why freedom is in sight for at least four of the six men.

Forrest and McKenzie had to be put into solitary confinement because they had become irrational and unbalanced. They remained in solitary for eight days.

Prior to Wilson's testimony, a suspect then said he would sign because he would only get a day or a few days. Dr. Sullivan had testified that he thought from the remark that Thorpe had been made "promises" [illegible] of the Trenton Six, testified last Thursday that he did not know any of the defendants until he saw them on February 7, 1948, at the Chancery Lane police station after the arrests.

Trenton Six Case Gets Fresh Start

Confessions Of 2 Others Admitted In Evidence

TRENTON — The trial of the Trenton Six moved into a decisive stage Friday as Superior Court Judge Ralph J. Smalley ruled out the "confessions" of John McKenzie and James Thorpe as well as the formal confession of Ralph Cooper.

The confessions of Collis English and McKinley Forrest were admitted. All five confessions were admitted in the first trial and served as the basis on which the six were convicted and sentenced to death.

For three weeks, during which the jury has been excluded from the court room, Judge Smalley has heard testimony of prosecution and defense witnesses on the validity of the confessions and the circumstances under which they were obtained.

THE DEFENSE HAS contended that these confessions were obtained under psychological and physical duress and, accordingly, are inadmissible.

Two of the six victims—Horace Wilson and John McKenzie—are being defended by counsel retained by the National Association for the Advancement of Colored People and headed by Raymond Pace Alexander of Philadelphia, in association with J. Mercer Burrell of Newark and Clifford R. Moore, of Trenton. Other counsel are defending Collis English, Ralph Cooper, McKinley Forrest and James Thrope.

The six are accused of slaying an aged storekeeper, William Horner, on the morning of January 27, 1948. Their conviction by the lower court in August, 1948, was reversed by the Supreme Court of New Jersey which in 1949 ordered a new trial.

At Friday's session, the prosecution introduced a surprise witness, George Sand, a storekeeper who had a place a few doors down from the Horner Shop. Sand testified that he had seen Forrest, Wilson and Cooper in Horner's shop a few days before the murder. On cross-examination by Mr. Alexander he admitted that he had not told his story to the police until two years after the murder and that he is a native of Charleston, S. C.

* * *

PREVIOUSLY THE DEFENSE had placed Wilson on the stand to testify about conditions in the police station where the defendants were held following their arrest. Wilson, the only one of the six who refused to sign a confession, told of the unsanitary conditions in the jail and the treatment the prisoners received.

Prior to Wilson's testimony, a former warden and a guard at the police station had testified that Forrest and McKenzie had to be put into solitary confinement because they had become irrational and unbalanced. They remained in solitary for eight days.

'Confessions' Of 3 Barred At Trenton

WITH the jury back in the courtroom, and the confessions of three of the defendants ruled out, the re-trial of the Trenton Six before the New Jersey Superior Court has moved into a decisive stage.

For several weeks the jury was not allowed to hear arguments on the question of permitting the alleged "confessions" of the six Negro defendants to be admitted as evidence.

Judge Ralph J. Smalley finally ruled out three of the confessions, saying that the State had not proved they were obtained legally. Last week he refused to allow the Prosecutor to read a handwritten "confession" allegedly made by Ralph Cooper, one of the defendants. A typewritten copy of a "confession" the prosecution claims Cooper signed was among those thrown out by Judge Smalley.

The "confessions" of Collis English and McKinley Forrest were admitted. Those of John McKenzie and James Thorpe, in addition to Coopers, were thrown out.

At the first trial three years ago, all five confessions were admitted, and served as the basis on which the six were convicted and sentenced to death. (Defendant Horace Wilson never signed a confession.) The men were accused of murdering an elderly second-hand furniture dealer in Trenton, N. J., on Jan. 27, 1948.

An appeal resulted in the verdict being overthrown by the N. J. Supreme Court in August, 1948.

Trenton 6 Called Normal by Doctor

By JOHN ST. GEORGE JOYCE

Inquirer Staff Reporter

TRENTON, April 9.—All of the "Trenton Six" defendants appeared normal and "well-oriented" the night they signed incriminating statements, a physician who examined them testified in Mercer County Superior Court today as the State rested its case.

Dr. George Corio, who conducted the physical tests of the defendants with Dr. J. Minor Sullivan, 3d, disagreed with the latter's contention that some of the accused men were "nervous, afraid" or appeared to have been under the influence of narcotics.

DIFFER ON DEMEANOR

Both physicians said the results of their tests were negative as to finding any physical abnormalities, but they differed sharply on the mental attitude and demeanor of the "Six." Dr. Sullivan testified last Friday.

Cross-examination by Raymond Pace Alexander, George Pellettieri and Frank S. Katzenbach, 3d, failed to alter Dr. Corio's insistence that the defendants "knew what they were doing."

TWO MOTIONS DENIED

Judge Smalley, hearing testimony as to the voluntary nature of the confessions, denied two defense motions. One that Lieut. William Stanley and other witnesses at the first trial be ordered to testify again, and an application that the judge visit the Chancery Lane police station.

The jurist said he would rely on Prosecutor Mario H. Volpe's statement that the testimony of those witnesses would be merely cumulative. He said that the record showed the size of the cellrooms and general condition of the police station.

SIX TO TAKE STAND

Defense lawyers will open their portion of the trial tomorrow and it is expected that the six accused men will take the stand in their own defense chiefly to testify that the confessions were obtained under conditions of duress. Judge Smalley will rule on the admittance of the statements as evidence.

There was a sharp exchange between Pellettieri and Dr. Corio, and on several occasions today Pellettieri repeatedly asked the witness what tests he used to determine that the six were normal when the statements were signed on Feb. 10 and 11, 1948.

PHYSICIAN ANGRY

"You keep harping on that question," Dr. Corio yelled. "I used my 24 years' experience as a physician to decide that."

Dr. Corio denied that Ralph Cooper, one of the defendants, was drowsy and red-eyed at the time as testified to by Dr. Sullivan. He said, however, that Cooper was "slow moving" and of a "sluggish disposition."

Pellettieri asked the physician if he thought James Thorpe was normal when he signed a confession after first denying a part in the killing of William Horner, 72-year-old furniture dealer, during a holdup Jan. 27, 1948. The witness remained firm in his testimony.

MISTRIAL THREAT REMOVED

The threat of a mistrial was removed when Dr. John E. Kinczel reported that the defendant, Collis English, would be able to stand the rigors of a protracted trial if given a physician's care daily.

Dr. Kinczel made his report to Judge Ralph J. Smalley. He examined the defendant during last weekend at Mercer County Hospital, reporting that English had a rheumatic heart and that his trouble was chronic rather than acute.

One of the questions put to Dr. Kinczel by the court was whether English was liable to have a fatal attack. The answer was "unlikely."

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New Jersey (Legal sentence)

4 of 'Trenton 6' Negroes Freed In Slaying

2 Others Given Life Sentences After Third Trial

Trenton, N.J., June 14 (AP)—Four of six Trenton Negroes—once all condemned to die for murder—were freed today and two were sent to prison for life after their third trial.

Accused of slaying an elderly white shopkeeper with a pop bottle in a 1948 holdup, the men were made an international left-wing cause when they all were sentenced to the electric chair in their first trial. A second trial ended in a mistrial.

Many Ballots Taken

The New Jersey Supreme Court ordered a new trial but condemned the Civil Rights Congress, which stirred a campaign here and abroad calling the case "lynching—Northern style."

Labeled a subversive Communist-front by the Government, the C.R.C. took its lawyers out of the retrial but continued mass agitation. It was the C.R.C. that tagged the case the "Trenton Six."

Police spread through the crowded Mercer County courtroom to prevent the tension from erupting into violence as the all-white jury of six men and six women brought in the verdict at 7:35 a.m.

The jury foreman said innumerable ballots had been taken in 20 hours of "wrangling" over 15 weeks of emotional testimony in the longest trial in New Jersey history.

Take Verdict Calmly

All six defendants took the verdict calmly.

The only outburst came from two unidentified Negro women who became hysterical and were led from the courtroom by police.

Found guilty of first degree murder with a recommendation for mercy were Ralph Cooper and Collis English, both 26. Their attorneys said they would appeal the conviction. Mandatory life sentences were imposed by Superior Court Judge Ralph J. Smalley.

Completely cleared of the crime were McKinley Forrest, 38; James Thorpe, 27; John McKenzie, 28, and Horace Wilson, 39. Applauded as they walked out of the jail, free for the first time since February, 1948, they said they felt wonderful.

Trial Called Fair

Defense lawyers said the trial had been fair. Carl Holderman, president of the state C.I.O., said it gave the "lie to" Communist propaganda that these men would be electrocuted because of their color."

The New Jersey C.R.C. said the verdict was a compromise to "save face" for Prosecutor Mario Volpe. Volpe declined comment.

Key point in the trials was whether confessions were voluntary, as Volpe contended, or dragged out of five of the six defendants by "threats, psychological terror, and drugs," as alleged by the defense.

Wilson was the only defendant who never signed a confession. The others all offered alibis for their whereabouts when William Horner was beaten to death in his secondhand furniture store January 27, 1948.

After the C.R.C. lawyers stepped out of the case, the American Civil Liberties Union, the National Association for The Advancement of Colored People, the state C.I.O., and a defense committee spearheaded by Princeton University professors helped to supply counsel.

THE TRENTON CASE

The jury has now returned its verdict in the case of the six Negroes on trial for the murder of a Trenton shopkeeper in 1948. Two of the defendants were found guilty with a recommendation of mercy, and four were acquitted. Thus has ended the longest criminal trial in New Jersey's history, lasting nearly fifteen weeks and covering 11,000 pages of testimony.

The case has been receiving national attention ever since the first trial began just three years ago today. At that time the prosecution stated that it had confessions from five of the six defendants, but the confessions were subsequently repudiated. Nevertheless, all six Negroes were sentenced to death, and some impartial observers feared that another Scottsboro case was in the making. Quite apart from the usual Communist tactic in seizing every opportunity to exacerbate race relations, widespread interest was aroused in the case on the part of many good citizens because of its obvious civil liberties aspects. The New Jersey Supreme Court reversed the conviction because it found the judgment "tainted with error"; and the new trial began again this spring.

It has already been announced that an appeal would be made on behalf of the two defendants found guilty at the trial that has just been concluded. Whatever the outcome of that appeal may be, it is apparent that the jury examined the evidence in the case of each of the defendants with some care and remembered the trial judge's instructions that each was "entitled to your individual consideration." After hearing a charge from the judge that the defense lawyers agreed was fair, the jury took twenty hours to come to its conclusions. Here seems to be an example of the American trial system working in the way that it ought to work.

NEW JERSEY URGES 'TRENTON 6' DEATHS

Prosecutor Tells Jurors That Murdered Merchant Was 'Forgotten' at the Trial

By WILLIAM R. CONKLIN
Special to THE NEW YORK TIMES.

TRENTON, June 12—The State of New Jersey demanded death in the electric chair here today as the penalty for each of six Negroes accused of the robbery-slaying of William Horner three and one-half years ago.

Mario H. Volpe, Mercer County prosecutor, summed up the state's case against the sextet in five and one-half hours. Taking each defendant in turn, he cited oral or written confessions by all of them except Horace Wilson.

Mr. Volpe denied that the Trenton police had used corecion on any of the six and recalled that the police themselves had testified in court to denials of guilt by the defendants. In 102 trial days, he maintained, the state had proved its murder case beyond any reasonable doubt.

"For fifteen weeks," Mr. Volpe said, "the state has presented evidence in one of the most brutal crimes in the history of this country. The issue is the innocence or guilt of these men, and we have tried to present the case without emotion or bias.

"We know that William Horner, a man 73 years old and a second-hand furniture dealer, was murdered on Jan. 27, 1948. This man would gladly have given all his hard-earned pennies if his life could have been spared, but it was not.

Called Forgotten Man

"We have forgotten William Horner during this trial, where we have heard so much about the constitutional rights of the defendants. But without having a ghost of a chance to protect himself, he was erased from this earth.

"The defense has heaped abuse on the Trenton Police Department and everyone connected with this case because the defense is weak on the facts and weak on the law. To permit these defendants to roam the streets of Trenton is to let them say that they sold this court and jury a bill of goods.

"The state demands that you bring in a verdict of guilty of murder in the first degree against every one of these men. Under New Jersey law they are all equally guilty. If you want the State of New Jersey to support these men for the rest of their days, that's up to you."

The last reference was to the possibility of a verdict of guilty with a jury recommendation for life imprisonment at hard labor. In addition to Horace Wilson, who is 40, the accused are Collis English, 25; Ralph Cooper, 25; James Thorpe, 26; John McKenzie, 26, and McKinley Forest, 38.

All are in custody of Sheriff Thomas A. Brennan, who has engaged a local heart specialist to guard English. The prisoner had several heart attacks during the trial.

Police Service Cited

Mr. Volpe took each defendant in turn in an effort to break down alibi testimony. He insisted that they had been well treated by the police, to the point of being able to send policemen out for cigarettes and sandwiches.

While Mr. Volpe conceded that the trial left many questions unanswered, he tried to tie together the loose ends of conflicting testimony into a coherent pattern for the jury. He taxed the defense with "raising smoke screens to obscure the real issue in the case," the innocence or guilt of the defendants.

This morning George Pellettieri completed the defense summing up that he had begun last night. He touched on the police issue, telling the jury that acquittal would mean no indictment of the Police Department, nor would conviction mean giving the police a clean bill of health. He asked the jury to acquit all six of the accused.

Superior Court Judge Ralph J. Smalley will begin a three-hour charge to the jury at 9:40 A. M. tomorrow in Mercer County Courthouse. The jury is expected to get the case immediately after a noontime luncheon recess.

'TRENTON SIX' GET LIFE, 4 FREED

Compromise Verdict Reached in Murder Case—Jury Out 20 Hours—Appeal Planned

By WILLIAM R. CONKLIN
Special to THE NEW YORK TIMES.

TRENTON, N. J., June 14—After deliberating continuously for almost twenty hours, a jury of six men and six women delivered compromise verdicts at 8:40 o'clock this morning recommending mandatory life imprisonment for two of the six Trenton Negroes charged with first-degree murder, and acquitting the remaining four defendants.

The compromise verdict came after a fifteen-week retrial of the murder case resulting from the killing of William Horner, 73 years old, a local dealer in second-hand furniture, in his shop on Jan. 27, 1948. They were all sentenced to the electric chair in their first trial. A second trial ended in a mistrial.

The jury found Collis English, 27-year-old Navy veteran, and Ralph Cooper, 26, guilty of the slaying with a recommendation for life imprisonment rather than death in the electric chair. Superior Court Judge Ralph J. Smalley imposed both life sentences within fifteen minutes.

The four acquitted included two men accused by the state of being prime movers in the murder, McKinley Forrest, 38, and Jack McKenzie, 27. Cleared of guilt with them were Horace Wilson, 40, and James H. Thorpe, 27, who, the state charged, acted as lookout men in the robbery-murder. The jury received the case at 12:46 o'clock yesterday afternoon and delivered its verdicts at 8:40 o'clock today, after being out just six minutes short of twenty hours.

Contention of the Defense

In summing up, the defense had asked acquittal of all six on the ground that they had been elsewhere when the crime was committed. Mario H. Volpe, Mercer County prosecutor, had demanded death in the electric chair as the penalty for all six.

After their forty-five-day first trial in 1948 the Civil Rights Congress, labeled subversive by the Federal Government, collected funds for an appeal for "The Trenton Six." When the State Supreme Court ordered a new trial the Civil Rights Congress dropped into the

Free 4 Of Trenton 6; Appeal 2 Convictions

TRENTON, N. J.—Two of the "Trenton Six" murder defendants were found guilty and four were acquitted last week.

Wilson Forest McKenzie Thorpe

A jury of six men and six women returned the split verdict in the 104th day of the third trial of the six Negroes whose case has attracted wide attention.

Found guilty by the jury, which deliberated without break for 18 hours and 25 minutes, were Ralph Cooper, 26, and Collis English, 26. The jury recommended that they be spared the death penalty and sentenced to life imprisonment.

Acquitted were McKinley Forrest, 38; John McKenzie, 28; James Thorpe, 27, and Horace Wilson, 39.

Cooper English

Raymond Pace Alexander, who headed the battery of NAACP lawyers defending McKenzie, Wilson, hailed the jury's verdict as "a glorious chapter in the ceaseless struggle of the Negro to obtain justice under our American law."

Third Trial

All six men were charged with the bludgeon slaying on June 27, 1948 of William Horner, 72-year-old second-hand furniture dealer, in a $35 robbery.

Their first trial ended in convictions for all and they were sentenced to death. This conviction was reversed and a new trial ordered. The second trial ended in a mistrial when the prosecutor became ill.

$90,000 Is the Cost Of Trenton 6 Trial

Stenographic Fee, Care of Jury Principal Items

Special to the Herald Tribune

TRENTON, N. J., July 11.—Trial of the Trenton Six for the holdup-slaying of William Horner, Trenton storekeeper, in 1948, has cost Mercer County taxpayers $85,699 to date, it was reported today by Walter A. Schoeller, County Treasurer. There still are a few bills yet to be rendered, Mr. Schoeller said, which will send the total well over $90,000.

Four of the six defendants, McKinley Forrest, John McKenzie, James H. Thorpe and Horace Wilson, were acquitted June 14 by a Mercer County court jury. The others, Ralph Cooper and Collis English, were convicted and sentenced to life imprisonment. A previous trial at which all six were convicted and sentenced to die, cost the taxpayers $43,723, exclusive of printing of the record for an appeal that led to the new trial.

Care of the jury and stenographic fees were the principal items of expense in the recent trial that took more than 100 calendar days. It cost $10,691 to quarter the jurors and court attendants at the Hotel Hildebrecht from March 5 to June 14. The county paid the hotel another $8,425 for meals. Meals outside the hotel amounted to $3,847. Stenographic fees for the trial totaled $29,974. This was for th edaily transcript, the cost a page for which is fixed by the courts.

Medical fees for jurors and defendants in the case ran to a total of $2,198. In addition, it cost $184 for medicine for the jurors. Included in the latter total was a charge of $27.50 for cough medicine. There were lesser charges for aspirin, digestive aids and prescriptions ordered by physicians attending the jurors.

background.

The Princeton Committee for The Trenton Six, a group of Princeton University liberals, then engaged George Pellettieri, Trenton attorney, and Arthur Garfield Hays, general counsel of the American Civil Liberties Union, as attorneys for English, Thorpe and Cooper.

The National Association for the Advancement of Colored People retained Raymond Pace Alexander, J. Mercer Burrell and Clifford H. Moore as counsel for McKenzie & Wilson. The court appointed former Judge Frank S. Katzenbach Jr. to defend Forrest.

$75,000 Goal Set by Committee

The Princeton committee announced it would start raising a $75,000 fund immediately to appeal the life imprisonment sentences on English and Cooper. Mr. Pellettieri said he would file an appeal within thirty days with the State Supreme Court, and estimated that printing the 12,000-page trial record would cost $30,000. The Princeton committee had raised $23,000 for the trial just ended.

Mr. Hays, in a comment telephoned from New York, said:

"There was no question but that they should and can be acquitted and I will give them all the help I can."

Mr. Pellettieri, a former Trenton judge, moved unsuccessfully for an arrest of judgment on Cooper and English. The defense attorney said the jury had freed Forrest, despite the state's contention that Forrest had actually wielded the pint soda bottle that caused Mr. Horner's death.

"I feel that the progress of American justice was shown and vindicated here," Mr. Pellettieri told the jury. "These men have received at your hands a fair trial. However, as I cannot agree with all of the verdict, I move for an arrested judgment."

The defense attorney in support of his motion said the court's admission of confessions, later repudiated, by English and Cooper violated the fourteenth amendment to the Constitution. He also pointed out that the jury had found two men guilty, but had exonerated the two charged as principals in the crime. He maintained that Judge Smalley should have directed a "not guilty" verdict for English and Cooper at the end of the state's case, and again at the end ofthe entire case.

Conflict to Be Appeal Basis

The defense attorney indicated that the conflict shown between the verdict and the state's case would be a principal ground in his appeal. By raising a constitutional question on admission of the two confessions, he also laid the groundwork for an appeal to the United States Supreme Court, if that step becomes necessary.

"I feel that this was a compromise verdict," he declared.

Edward B. Kerr Jr., a 29-year-old postal clerk, delivered the verdicts as foreman of the jury. The jury recommendation on life imprisonment is mandator upon the trial judge, and Judge Smalley imposed the two life sentences without delay. The four defendants acquitted were released from Mercer County jail at 10 o'clock this morning and joined their familise immediately.

Judge Smalley complimented the jurors on their patience and devotion to public duty. He refrained from any comment on whether or not their verdict was in accordance with the weight of the evidence. To the 180 spectators in court he delivered a caution against any outburst under threat that he would clear the court. One woman, Leola Page, fainted but was quickly revived.

Mr. Alexander, a Philadelphia defense attorney, thanked the jury "in behalf of fifteen million Negroes." He said the "liberality and tolerance shown by this jury is a great tribute to the State of New Jersey."

Under New Jersey procedure, once a jury goes out it is locked in the jury room until it either reaches a verdict or reports disagreement. In their night-long deliberations ,the jurors ate sandwiches at 3 P. M. on Wednesday, 10:30 on Wednesday night and 3 o'clock this morning. The jurors were first reported split four for death for all six defendants; three for life imprisonment, and five to acquit. Later, six favored acquittal. After taking innumerable ballots they agreed on the compromise verdict at 7:25 o'clock this morning.

Jury Selected, Second Trial Under Way

Find New Evidence in Trenton 6 Case

TRENTON, N. J.—A whole new body of evidence throwing an entirely different light on the "Trenton Six" murder trial has been accumulated and will be of immeasurable assistance to the defense, it was announced this week by attorneys for the NAACP at the conclusion of the selection of jurors for the trial.

There are eight women on the fourteen-member jury, two of them grandmothers. As provided for by New Jersey law, all fourteen will sit in the jury box and hear the case and the judge's final charge. Then the last two jurors will be excused and names of the remaining twelve dropped into a hat. One name will then be pulled out of the hat and that person will be the foreman of the jury.

The re-trial of the six young men accused of the murder of an aged white man on Jan. 27, 1948 began here on March 5.

NAACP DEFENDS TWO

Raymond Pace Alexander of Philadelphia, Clifford R. Moore of Trenton and J. Mercer Burrell of Newark, attorneys representing two men whose defense is being handled by the NAACP, revealed that they have secured by virtue of pre-trial investigations and subpoenae a number of important documents and other information denied to the defense in the first trial.

Among these are police docket reports on the arrest and detention of all prisoners prior to the apprehension of the six defendants; police teletype reports describing the original suspects and the cars they allegedly used (descriptions which the defense claims are not applicable to the defendants); the radio log of the Trenton Police Department showing similar descriptions, and other police reports and records from which considerable information was obtained.

WIDOW'S STATEMENT

Also available to the defense for the first time is a digest of statements made by Mrs. Elizabeth Horner, widow of the murdered man, at the investigation of the case. Defense attorneys hold that these statements are at variance with Mrs. Horner's testimony at the first trial and that new evidence as to the nature of her injuries after the alleged crime also contradicts testimony at the first trial. Evidence seriously questioning the murder weapon has also been discovered.

Another significant development for the defense is the securing of information as to the cleavage within the Trenton Police Department prior to the first trial. Charges of bungling, mishandling and tampering with alibi evidence have been unearthed, together with admissions of mutilation of such evidence.

In the re-trial, defense attorneys have been successful in obtaining the court's agreement to inspect the police station where the defendants' "confessions" were made and also to inspect the vicinity of the alleged crime.

OTHER CONCESSIONS

The court also agreed to segregate prospective jurors so that they would not hear testimony exchanged in preliminary examinations and to keep witnesses from hearing the testimony of other witnesses before testifying themselves. Defense requests that the court follow these procedures in the original trial were all denied.

With the selection of the fourteenth juror on the afternoon of March 14 after questioning 280 veniremen, the stage was set for presentation of opening statements by defense attorneys on March 17. The first witness was scheduled to be called Monday, March 19.

Meanwhile, in New York, the NAACP board of directors expressed disapproval of the reports of continuing efforts of the Civil Rights Congress to raise funds in the name of the Trenton Six case, with which the CRC no longer has any official connection. Such activities, the board declared, only serve to confuse the issue and hamper the defense.

Defendants in the "Trenton Six" murder trial, left to right, are Horace Wilson, John McKenzie, James Thorpe, Ralph Cooper, McKinley Forrest and Collis English. The two policemen are their guards.

Forced, Psychiatrist Says

TRENTON, N. J. — The 'confessions" of Collis English and McKinley Forrest, two of the Trenton Six now being retried for the 1948 murder of a white used goods dealer, could not have been voluntary, Dr. Frederic Wertham, world-famous psychiatrist, testified here today.

Over the objections of Prosecutor Mario Volpe, Judge Ralph Smalley permitted Dr. Wertham, director of the LaFarge Clinic in Harlem and author of "The Show of Violence" and other works on psychiatry, to testify for the defense. According to Dr. Wertham, the accused men were victims of "forced responsiveness" and the signing of the 'confessions" was an "automatic act under compelling fear" after days of police interrogation.

The noted psychiatrist pointed out that the defendants revealed no consciousness of guilt in the actions prior to their arrests. Although they knew that the police were looking for the slayers, they made no attempt to flee, an indication of their innocence.

Two of the six defendants, Horace Wilson and John McKenzie, are being defended by NAACP counsel headed by Raymond Pace Alexander of Philadelphia. Assisting Mr. Alexander are J Mercer Burrell of Newark and Clifford Moore of Trenton.

Earlier in the week, witnesses had established alibis for Wilson, McKenzie and Forrest, each of whom, the witnesses testified, was at work far away from the scene of the crime on the morning of January 27, 1948, when William Horner, the second-hand store proprietor, was killed.

Another witness testified that the alleged murder weapon, a soft-drink bottle, could not have been used at the time because no bottles in the batch from which this one came had been distributed prior to June, 1950, two and a half years after the murder. The bottle had been offered as evidence after English's father, a witness for the state, said he had found it in the pocket of the coat of one of the defendants.

The trial, now in its thirteenth week, is expected to last at least another two weeks. The men were first convicted in 1948. In 1949, the Supreme Court of New Jersey reversed the conviction and ordered a new trial.

'I'm Innocent!'—Jersey GI Accused of Double Slaying

Lawrence J. Walker, center, 20-year-old Newark, N.J. Air Force sergeant who has been charged with the slaying of Richard Cook and his wife, Doris, near Riverside, Calif., says he's not guilty. His commanding officer and fellow GI's at March Air Force Base have come to his defense. He's shown here with NAACP attorneys, Crispus A. Wright, left, and Leo Branton.

Prisoner Stricken in Trial of 'Six'

By JOHN ST. GEORGE JOYCE

Inquirer Staff Reporter

TRENTON, April 5.—A heart attack suffered today by one of the "Trenton Six" defendants abruptly halted the five-week-old trial in Mercer County Superior Court.

Collis English, one of the men accused of murdering a 72-year-old shopkeeper three years ago, was placed in a prison bed after slumping over in his courtroom chair from the effects of an enlarged, leaking heart valve.

Dr. Frank A. Nonziato and Dr. Edgar J. Fiestal, who examined and treated English, prescribed complete rest and gave the defendant sedatives. They said the attack was brought on by strain and excitement and that English had a history of rheumatic fever contracted 10 years ago.

The threat of a mistrial again hovered over the long delayed trial in the event English does not respond to treatment well enough to be permitted to attend court sessions. The physicians will examine the defendant tomorrow at 8:45 A. M. and decide whether the 26-year-old English is able to continue.

Presiding Judge Ralph J. Smalley declared a mistrial Feb. 8 when Prosecutor Mario Volpe was stricken with appendicitis. On March 6, the day after the delayed trial opened, the illness of James Thorpe, another defendant, almost precipitated a similar ruling, but the accused man is continuing under a physician's care.

cigarets the morning of Feb. 11, 1948, when he signed a confession.

He said that Cooper appeared drowsy and red-eyed and that he had asked the suspect if he had been smoking "goof butts." The man replied that he had not, Dr. Sullivan asserted.

Testifying under direct examination by Volpe, the physician said that he had examined all the men who had signed statements and that he had found nothing seriously wrong with the defendants. He had questioned them as to whether they had been mistreated, ill fed or deprived of cigarets. They made no complaint, he added.

FOUND DEFENDANTS OK

Asked by Pellettieri on cross-examination who had "briefed him on the legal-sounding questions, the witness answered above a State objection.

"As an ethical physician and as a Negro I was interested in seeing justice done and I took it on my own initiative to ask the questions," Dr. Sullivan declared.

"You wanted justice so much that you permitted the man Thorpe to sign a confession he said was not true," Pellettieri shouted at the witness.

State objections were sustained.

FIVE DOCTORS RETAINED

In addition to Drs. Nonziato and Fiestal, three other physicians have been retained. They are Drs. Hernan Cohen and G. W. Irmisch, for Thorpe, and Dr. John J. Haney, who is treating several jurors for colds.

Dr. J. Minor Sullivan, 3d, deputy county physician, who was on the witness stand as a State witness when English was stricken, said he examined the defendant this morning and found him "excited."

The physician admitted under cross-examination that he thought another defendant, Ralph Cooper, gave an appearance similar to one under the influence of marijuana

Chief Changes Story in Trenton 6 Trial

By RALPH H. JONES
AFRO Staff Correspondent

TRENTON, N.J.—Two developments in the murder trial of the "Trenton Six," last week, loomed as of utmost significance.

They were the admission of Frank A. Naples, chief of county detectives, that he had "forgotten" vital testimony during the first trial in which the six men were sentenced to death; and the reiteration of Dr. J. Minor Sullivan that he believed the defendants to have been doped to get them to sign "confessions."

Were not the lives of the "Trenton Six" defendants at stake, the cross examination on Friday of Chief Naples by defense counsel former Judge George Pellettieri might have been a comic opera.

Climax of the day was reached when Mr. Pellitieri, through presentation of transcripts of the previous original trial, showed that Naples had substantially changed his testimony in several very important details.

Change in Testimony Proved

Shaking the volume of record under the nose of Mr. Naples, the attorney heatedly accused Naples of saying that he was seeking a "one-armed man who carried one shoulder higher than the other" as a basis for arresting James Thorpe.

Court records disclosed that the talk about a one-armed man was new testimony. Previously in June, 1948, date of the first trial, Naples had said Collis English described "Reds" (Thorpe) as carrying one shoulder higher than the other.

Pressed for details, Naples stated that he forgot that Thorpe was described as one-armed. "You forgot?" roared Mr. Pellettieri, "then I am forced to believe that you also forgot other important details of this case."

He continued

"Do you realize that you, as the highest ranking police official in charge of a murder involving the lives of six men, would have this court and jury believe that important facts such as you have disclosed could have been overlooked by you?"

Spectators Aroused

Angry mutterings broke from the spectators and even as Assistant Prosecutor Frank Lawton was protesting the characterization involved in the question, Superior Court Judge Ralph J. Smalley had to admonish the onlookers that he would have to clear the courtroom if any demonstrations occurred.

At this point Mr. Naples was so emotionally disturbed he was roaring back answers. His face was livid with anger.

The contemptous sneer of derision he had worn since the beginning of Mr. Pellettieri's cross examination had grown to something almost grotesque in appearance. Even the most stoney-faced of the jurors reflected their reactions as they noted his demeanor.

Despite entrapments in his statements made on Friday Mr. Naples steadfastly stood by the new version he offered, even in the face of disclosures that all other police involved had gone on record to the contrary.

At one point, Mr. Naples made a statement and with the next breath, under questioning, denied having made the statement.

Dr. Sullivan Supported

Thursday, Dr. George Zorio had in substance substantiated testimony of Dr. J. Minor Sullivan, who must be credited with having thus far done the most damage to the State's case. He was allowed to testify between the direct and cross examination of Naples.

Dr. William J. Moore, the doctor who left a three-grain sodium amytol capsule with Mr. Naples to administer to McKinley Forrest, because of his violent emotional outburst during a question period, also testified prior to Naples.

He related that he left the capsule with Naples after he had told him the administrating of it would dull the understanding of the person taking it.

Chief Naples later testified that he had destroyed the capsule instead of giving it to the prisoner. Defense contends that Chief Naples administered the drug and during its effects procured the comdemning admissions now being used to send the accused to the electric chair.

State Attacks Own Witness

In a frantic effort to nullify Dr. Sullivan's damaging testimony concerning the drug-induced amnesia he believed the Trenton Six defendants suffered, Prosecutor Mario H. Volpe viciously attacked him Wednesday and Thursday.

His assault on the statements he had made were cloaked in a plea of surprise made Wednesday afternoon.

His plea came after a smart legal maneuver flopped when Dr. Sullivan, on cross examination, indicated that one of the defendants might have been in a state of emotional excitement because of police influence.

His move of surprise gave him the opportunity to present evidence and unlimited questioning of Dr. Sullivan on matters that were admittedly extraneous to the main issues of the trial. Defense counsel were excluded from cross eamination on this phase of the case.

"Surprise" Quizzing Hit

In attempting to overcome and prevent the court granting the surprise plea of Mr. Volpe, Mr. Pellettieri said

"I am appalled at the cheek of Mr. Volpe in pleading surprise. This witness has repeated substantially the same testimony in transcripts of previous court action in this case.

"Just two or three weeks ago, this doctor testified to practically the same psychoneurosis that Mr. Volpe is objecting to now. His strong denials at that time that he intended to impeach this witness closed the door on his plea for surprise.

"On this basis I object very strenuously to the presentation of prejudical matter to my clients before this jury."

Judge Smalley overruled his objections; and Mr. Volpe proceeded to lambast Dr. Sullivan with a viciousness that brought all six defense counsel into protective legal arguments.

Prosecutor Loses Motion

In the Thursday morning session, at the conclusion of the presentation of his weak neutralization argument, Volpe offered a motion that Judge Smalley reverse his previous ruling out of the three confessions.

Observers state this was quite unusual for a prosecutor to ask a presiding judge to reverse himself on a given opinion. Judge Smalley denied the motion.

To what extent Mr. Volpe discredited Dr. Sullivan in the minds of the jury is unknown, but defense counsel did point out that Mr. Volpe was trying to discredit Dr. Sullivan before the court, jury and the community.

Has Public's Support

Despite Mr. Volpe's chagrin at having Dr. Sullivan knock the props from under his case, it is not believed he will resort to any other reprisals than the removal of Dr. Sullivan from the Mercer County medical examiner post he now holds.

At one time it was strongly hinted that Dr. Sullivan was going to be cited for perjury by the prosecutor. Community support of Dr. Sullivan has been so strong, plus Mrs. Sullivan's victory as a committeewoman a few days ago, it is believed reprisals would be politically unwise.

This seventh week of the Trenton Six murder at this point now finds the accused men nearer to freedom than at any time since their arrest over three years ago. If the present trend of the trial continues it would not be too brash to predict that they will be freed.

JURY FREES FOUR, ONCE CONDEMNED

Two in Trenton Case Get Life Sentences

By REINHOLD G. ENSZ AND JAMES P. HACKETT
(The Associated Press)

Trenton, N. J., June 14 — Four of six Trenton Negroes — once all condemned to die for murder — were freed Thursday and two were sent to prison for life after their third trial.

Accused of slaying an elderly white shopkeeper with a pop bottle in a 1948 holdup, the men were made an international left-wing cause when they all were sentenced to the electric chair in their first trial. A second trial ended in a mistrial.

The New Jersey supreme court ordered a new trial but condemned the Civil Rights Congress which stirred a campaign here and abroad calling the case "lynching—Northern style."

Labeled a subversive Communist front by the government, the CRC took its lawyers out of the retrial but continued mass agitation. It was the CRC which tagged the case the "Trenton six."

Police spread through the small, capacity-packed Mercer county courtroom to prevent the hushed tension from erupting into violence as the all-white jury of six men and six women brought in the verdict at 7:35 a. m. (EST).

The jury foreman said innumerable ballots had been taken in 20 hours of "wrangling" over 15 weeks of emotional testimony in the longest trial in New Jersey history.

All six defendants took the verdict calmly.

The only outburst came from two unidentified Negro women who became hysterical and were led from the courtroom by police.

Found guilty of first degree murder with a recommendation for mercy were Ralph Cooper and Collis English, both 26. Their attorneys said they would appeal the conviction. Mandatory life sentences were imposed by Superior Court Judge Ralph J. Smalley.

Completely cleared of the crime were McKinley Forrest, 38; James Thorpe, 27; John McKenzie, 28; and Horace Wilson, 39. Applauded as they walked out of the jail, free for the first time since February, 1948, they said they felt wonderful.

Defense lawyers said the trial had been fair.

Testifies That Horace Wilson Was Not At Scene Of Slaying

TRENTON—The former employer of one of the defendants in the celebrated Trenton Six murder case testified this week that the defendant, Horace Wilson, was on the job working for him on the morning of the 1948 murder of second-hand furniture dealer William Horner, with whose slaying the six Negroes are charged.

Holmes Perrine, the employer, stated on direct questioning by Raymond Pace Alexander, who heads the staff of lawyers retained by the National Association for the Advancement of Colored People to defend Horace Wilson and John McKenzie, that his plant records show Wilson was at work on the day of the crime. Mr. Perrine indentified these records in the courtroom and also identified the handwriting of a foreman, now deceased, who had entered Horace Wilson's name on a roll indicating his attendance at work on that day. The foreman's testimony at the first trial of the Six was read to the jury by Mr. Alexander.

The re-trial of the Six, whose first conviction was reversed by New Jersey Supreme Court, began on March 5 and is now nearing the completion of its twelfth week. Mr. Alexander is being assisted in the defense of Wilson and McKenzie by NAACP attorneys J. Mercer Burrell of Newark and Clifford Moore of Trenton. The other men are being defended by other lawyers.

McKenzie Sticks to Story

Earlier this week, McKenzie was unshaken in his insistence that he played no part in the crime, and charged that he and other defendants were drugged and intimidated before they signed "confessions." He said that he blacked out after being given a cigarette by police and flatly denied that he had been "look-out man" for the murder as police charged. He also told the court that McKinley Forrest walked into a well after drinking a cup of water containing a white powder.

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Defense lawyers said the trial had been fair. Carl Holderman, president of the State CIO said it gave the "lie to Communist propaganda that these men would be electrocuted because of their color."

Four Go Free, Two Get Life In Negro Case

TRENTON, N.J., June 14 (AP).—Four of six Trenton Negroes once all condemned to die for murder—were freed Thursday and two were sent to prison for life after their third trial.

Accused of slaying an elderly white shopkeeper with a pop bottle in a 1948 holdup, the men were

'Trenton 6' Case Expected to Go To Jury Today

Four-Month Slaying Trial in Final Stages as Both Sides End Summations

Special to the Herald Tribune

TRENTON, N. J., June 12.—The murder case against six Trenton men for the slaying of shopkeeper William Horner during a holdup in 1948 is expected to go to a jury tomorrow following a charge by Superior Court Judge Ralph J. Smalley.

The six, standing a re-trial after their first conviction was upset on technical errors by the State Supreme Court, are: Collis English, McKinley Forrest, Horace Wilson, John McKenzie, James Thorpe and Ralph Cooper.

The four-month trial reached its final stages today when Mario Volpe, Mercer County Prosecutor, who also tried the first case, completed his summation for the state's evidence. Defense attorneys headed by George Pellettieri, completed the defense summation earlier.

Scoffs at Drugging Charge

Mr. Volpe, in reviewing the evidence, hit at what he called weaknesses in the defense testimony, and said that alibi witnesses for the six men were unable to fix the exact times when they saw the defendants on the day of the crime. He scoffed at defense arguments that the six men were drugged by police. Mr. Volpe said that neither race, creed nor religion affected his presentation of the case. The six defendants are Negroes.

Mr. Volpe demanded that the defendants be sent to the electric chair, and called on the jury to "protect society from this type of man. We can't permit these men to roam the streets of Trenton and say they sold a bill of goods to the court and the jury."

Mr. Pellettieri argued that "the state has failed miserably in this case," and that the trial has produced nine different versions of the slaying. "There's an awful lot of confusion in this case," he said, "and its not on the part of the defense." He said that Chief of Detectives Frank Naples "bungled" the case, and charged that Chief Naples "got the six defendants to make statements" because "these are the kind of men Chief Naples likes to kick around."

Defense Attorney Raymond Pace Alexander asked the jury for a verdict of not guilty to "help us save America from scorn."

The defendants were tried for murder in 1948, convicted and sentenced to die in the electric chair. The State Supreme Court reversed the conviction and ordered a new trial. The second case ended in a mistrial. Their third trial started March 5.

Four Cleared, 2 Guilty In 'Trenton Six' Case

By the Associated Press

TRENTON, N. J., June 14.—A Mercer County Court jury today found four members of the "Trenton six" innocent and two guilty of the 1948 murder of an elderly shopkeeper.

The jury of six men and six women recommended mercy for the two defendants found guilty. This means life imprisonment.

The jury found Ralph Cooper and Collis English guilty of first degree murder with a recommendation of life imprisonment at hard labor.

They found McKinley Forrest, John McKenzie, Horace Wilson and James Thorpe innocent.

The jury, appearing worn and haggard, returned to the courtroom after nearly 20 hours of deliberation. Shortly before the jurors filed into the court, a detail of Trenton police were stationed throughout the courthouse as a guard against possible disorder.

The jurors received the much-publicized case at 11:46 a.m. (EST) yesterday. They deliberated continuously except for two brief breaks for sandwiches.

The jury had a choice of three verdicts:

Acquittal; guilty of first degree murder meaning death in the electric chair; or guilty of first degree murder with a recommendation of mercy.

DEFENSE SUMS UP IN TRENTON 6 CASE

Contends Rights Were Violated and Guilt Was Not Proved Beyond Reasonable Doubt

By WILLIAM R. CONKLIN

Special to THE NEW YORK TIMES.

TRENTON, June 11—Three defense lawyers stressed an alibi defense and the element of reasonable doubt in the first-degree murder case against six Trenton Negroes as the case neared its end today.

George Pellettieri and Frank S. Katzenbach 3d, both former Trenton judges, and Raymond Pace Alexander of Philadelphia summed up the defense case before Superior Court Judge Ralph J. Smalley in Mercer County Courthouse.

All three contended that the state had failed to prove the six defendants guilty beyond reasonable doubt of the murder of Walter Horner on Jan. 27, 1948. The 72-year-old dealer in used furniture died of a fractured skull suffered when he was struck with a soda bottle in a hold-up that netted $35.

Arthur Garfield Hays, general counsel of the American Civil Liberties Union, did not enter a summation. He said outside court that his organization was interested in a fair trial and that he and Mr. Pellettieri had been retained by the "Princeton Committee for the Trenton Six," a group of Princeton University liberals.

Police Brutality not Charged

The defense criticized the Trenton police for their method of arresting the accused men and complained that the prisoners had been held incommunicado. While no police brrutality was charged defense counsel stressed the "psychological pressure" which they said the Trenton police had used to extract confessions from five of the six defendants. Horace Wilson, 40 years old, never signed a confession. His co-defendants are Collis English, 25; Ralph Cooper, 25; McKinley Forrest, 38; James Thorpe, 26, and John McKenzie, 26.

Mr. Katzenbach, defending Forrest, contended that the state had failed to prove its case. He said Forrest was unable to read or write and had placed his mark on an alleged confesson without knowing what was in it. The attorney denied that his client could have placed his initials on the bottle after the police had seized it as an exhibit.

"His constitutional rights were thrown out the window," Mr. Katzenbach said, "and he was in desperation and panic when he found that the police had mistaken him for someone else. His confessiion was involuntary, and you cannot convict on this type of evidence because the confession must be freely and voluntarily given."

As an alibi defense Mr. Katzenbach said Forrest had been working in South Trenton on the morning of the slaying and could not have been on the crime scene.

2,800,000 Words in Record

Mr. Alexander, retained with two Negro colleagues by the National Association for the Advancement of Colored People, also attacked the state's case. He told the jury of eight women and six men that the record now contained 2,800,000 words and that the trial had been on for 101 days.

A first-trial verdict of guilty for all six was reversed by the State Supreme Court, which ordered a new trial. At the second trial Prosecutor Mario H. Volpe became ill and a mistrial was declared. The current trial is thus the third.

Mr. Alexander said due process of law had not been observed in the arrests; the state's key witness had said only three men had committed the crime; and that the testimony of state witnesses showed numerous discrepancies. He cited twenty individual rights which he said the police had ignored.

Mr. Volpe will sum up for the state tomorrow. Judge Smalley plans to charge the jury on Wednesday morning and give the case to the jury that afternoon. Possible verdicts include not guilty; guilty of first degree murder with death as a mandatory penalty; or guilty of first degree murder with a recommendation for life imprisonment, which is mandatory also upon the trial judge.

DEFENSE CLOSES CASE:

Trenton Six Are Cleared by Eyewitness Testimony

Afro-American dat. 6-9-51

By RALPH H. JONES
AFRO Staff Correspondent

TRENTON—The defense of the Trenton Six on Friday completed its case with the testimony of a star witness that the three men she saw fleeing from th scene of William Horner's murder two years ago in no way resembled the six men the State is trying to convict as the killers.

The close of court Friday marked the end of the 65th day of the trial, which has been estimated to be costing New Jersey $2,000 a day or $130,000 thus far. The case which entered its 15th week Monday, will last at least three weeks more, court attaches said.

More than two and one half million words of testimony have been read into the record. The 10,000th page of daily transcript of testimony was finished last Thursday. The record is expected to be twice that of the 1948 trial.

The star defense witness Friday was Mrs. Virginia Barclay. She testified that on Jan. 27, 1948, she saw from her third floor window, three medium brown - skinned youths, dressed in jitterbug clothes flee from the murder scene.

Describes Car Driver

She described the driver of the get away automobile as wearing metal-rimmed eyeglasses. None of these suspects, she emphasized favored the six men on trial.

She placed the time at approximately the 11 a.m. hour of the murder of the 72-year-old man in 213 N. Broad St. because she was watching her husband leave for work at that hour.

Mrs. Barclay further testified that despite her giving descriptions of the men to police officers at her home that afternoon, she was not called upon by Trenton police to try to identify any of the present six suspects in the case.

Last of Defense Witnesses

The defense of Ralph Cooper, Collis English, McKinley Forrest, John McKenzie, James Thorpe and Horace Wilson is now, to all intents and purposes, complete.

It specifies primarily that no crime (i.e.—a burglary) was committed. Thus it rules out the State's contention that there was conspiracy to commit a felony in which a death resulted.

Further the defense case contends that the six defendants were denied the due process of law through illegal arrests; psychological duress to obtain confessions; use of drugs to extract self-incriminating statements; that the police charges and indictment of the sextette is a fabrication of lies and half-truths connected by ingenious scheming of the prosecuter and his coterie of aides.

Wrong Murder Weapon

Further the defense contends that the murder weapon was neither the beer or soda bottle in a sock, but was brass knuckles. The defense has presented evidence tending to prove that one of the alleged murder weapons was in a bottle factory warehouse at the time it was supposed to have been used in the murder.

Testimony of Dr. Frederic Wertham, psychiatrist, and J. Howard Haring, handwriting expert both supported the contention of the defense battery of lawyers including Raymond Pace Alexander, J. Mercer Burwell, Clifford Moore, ex-judges Frank Katzenbach and George Pellettieri.

Despite the prima donnaish flare-ups of Mr. Pellettieri throughout the trial it appears at this point that the jury has gotten the elements of merit in the defense contentions.

Mr. Alexander presented the final witness on Friday. Quiet and attractive but not pretty Mrs. Barclay made quite an impression upon the eight women jurors because of her impending child-bearing.

Second Pregnant Witness

Even before she was sworn as a witness six of the eight had exchanged significant glances. Mrs. Barclay was the second pregnant woman to testify for the defendants. The first, Melrose Diggs, left the courtroom and bore triplets a few hours later just two weeks ago.

Admission of prosecutor Mario H. Volpe that he had not as yet indicated whether a soda pop bottle or a beer bottle was the William Horner murder weapon hit the Trenton six murder trial as something of a bombshell, Thursday afternoon.

Mr. Volpe's statement came during a legal tiff over some of the details of a hypothetical question posed by Frank Katzenbach.

Defense counsel Katzenbach was asking Dr. Frederick Wertham, internationally famous psychiatrist, to give the symptoms characterizing irregularities in the "MCK" initials used by McKinley Forrest to sign the so-called confessions and photographs admitted to evidence.

This final phase of the defense of Ralph Cooper, Collis English, Forrest, John McKenzie, James Thorpe and Horace Wilson for the alleged murder of William Horner, in his 213 S. Broad St. used furniture store on Jan. 27, 1948, is highly technical and scientific.

Writing Expert Heard

Testimony of J. Howard Haring, handwriting expert who testified in the Alger Hiss spy trial and the Lindberg kidnapping case and for the F.B.I. in various cases, took up all of the sessions on Memorial Day.

Haring concluded, through a hypothetical question proposed by George Pellettieri, that McKinley Forrest could not have signed a $2 mattress receipt as charged by Miss Elizabeth McGuire.

Miss McGuire was the admitted 30-year common-law mate of the deceased man. Mr. Haring also said the "MCK" on one alleged lethal soda pop bottle could not possibly been the handwriting of Forrest.

The above hypothetical questions, there were two, each required approximately one hour to read on Wednesday. Prosecutor Volpe objected to them on highly technical grounds and the defense was halted from receiving an answer until Thursday when certain portions were ruled out.

English Termed Scared

Of the remaining portion it was ascertained by Dr. Wertham that Collis English was "scared out of his wits" because of several very potent psychological factors.

He listed English's heart condition as a major factor of fear. He cited the mental condition brought about by his arrest as certainly a major and strong factor.

He cited English's puny childhood; lack of adequate food as a child; his fear of death, a mental condition found in persons suffering from heart ailments; the conditions and discrimination in Trenton as evidenced by whites in position of authority in the police and city official family; and even an all-white jury with a colored defendant as all forming a backdrop of general factors in forcing a confession out of English.

He placed English in a psychological state he termed "forced responsiveness" at the confession signing time. He pointed out the bewitching hour of midnight, approximate time of the Feb. 10, 1948 signing, as a ghastly moment, citing a passage of Shakespeare's works to point up his finding.

Testimony Not Shaken

His testimony was not shaken in the least by the prosecutor.

Dr. Wertham is the chief resident psychiatrist at the Fiske Clinic, Johns Hopkins University; senior psychiatrist for the Department of Hospitals in New York City, and director of the mental clinic at Bellevue Hospital in New York.

He has also written several books, the best known of which are "Dark Legend," a study of murder, and "Show of Violence" a study of the psychopathology of murder.

At the prosecutor's table, Dr James B. Spradley, former director of the New Jersey State Hospital, sat and pointed out questions for Mr. Volpe.

J. Mercer Burrell, Newark attorney and one of the NAACP lawyers in the case, skillfully handled Medie DeWitt on the witness stand Wednesday morning.

Burrell Handles DeWitt

DeWitt, who worked with McKinley Forrest on the day the crime was alleged to have been committed, appeared to be quite sluggish as Mr. Burrell directed original questions at him.

Upon cross examination he suddenly became mentally awake and had Mr. Volpe backed into a corner by the sharp replies he crisply gave.

Court attendants remarked that it was one of the most brilliant exhibitions of handling a witness they had seen in all their years

Triplets are born to woman witness in Trenton Six trial

TRENTON, N. J., May 15—(AP)—A witness in the Trenton Six murder trial gave birth to triplets today less than 24 hours after testifying for the defense.

Two daughters and a son were born to Mrs. Melrose Diggs of Halcolyndale, Ga., at Mercer Hospital this morning. The hospital said the mother and infants were doing fine.

Mrs. Diggs was on the witness stand at the trial yesterday. She testified that one defendant was at her mother's home here on the morning of the killing for which six Trenton Negroes stand accused.

The six defendants are being tried for the 1948 slaying of 72-year-old Shopkeeper William Horner.

2 in Trenton Murder Guilty, 4 Acquitted

Jury Asks Life Terms for Pair

Special to World-Telegram and Sun.

TRENTON, June 14.—Two of six Trenton Negroes accused of a 1948 slaying were found guilty today of murder in the first degree, with a recommendation of mercy, and four were acquitted.

Those found guilty were Ralph Cooper, 26, and Collis English, 26. The jury recommended that they be imprisoned for life at hard labor.

Out Almost 20 Hours.

Those acquitted were McKinley Forrest, 36; John McKenzie, 27; Horace Wilson, 40, and James Thorpe, 27.

The jury returned its verdict at 8:32 a.m. before Judge Ralph J. Smalley in Superior Court. The panel began its deliberations at 12:47 p.m. yesterday.

The verdict followed the third trial of the men, accused of beating to death an elderly merchant in 1948.

Choice of 3 Verdicts.

The all-white jury of six men and six women had a choice of three verdicts:

Acquittal; guilty of first degree murder, meaning death in the electric chair, or guilty of first degree murder, with a recommendation of mercy, meaning life imprisonment.

The death sentence was asked by Mercer County Prosecutor Mario Volpe.

Confessions Attacked.

Defense attorneys called for acquittal, contending police forced five of the defendants to sign false confessions. A sixth defendant never signed a statement.

The third trial of the highly publicized case was the longest in New Jersey history, dragging through 15 weeks and 11,000 pages of testimony. Opposing counsel called 143 witnesses and introduced 126 exhibits.

Third Trial Frees 4 of 'Trenton Six'

Other 2 Sentenced To Life in Trenton

TRENTON, N. J., June 14—(AP) Four of six Trenton Negroes—once all condemned to die for murder—were freed Thursday and two were sent to prison for life after their third trial.

Accused of slaying an elderly white shopkeeper with a pop-bottle in a 1948 holdup, the men were made an international left-wing cause when they all were sentenced to the electric chair in their first trial. A second trial ended in a mistrial.

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Completely cleared of the crime were McKinley Forrest, 38; James Thorpe, 27; John McKenzie, 28, and Horace Wilson, 39.

Defense lawyers said the trial had been fair. Carl Holderman, president of the State CIO, said it gave the "lie to Communist propaganda that these men would be electrocuted because of their color."

The New Jersey CRC said the verdict was a compromise to "save face" for Prosecutor Mario Volpe.

Volpe declined comment on the case.

Key point in the trials was whether confessions were voluntary, as Volpe contended, or dragged out of five of the six defendants by "threats, phychological terror and drugs" as alleged by the defense.

Wilson was the only defendant who never signed a confession. The others all offered alibis for their whereabouts when William Horner was beaten to death in his second-hand furniture store on Jan. 27, 1948.

Trenton 6 Jury Gets Case at 3d Murder Trial

Judge's Brief Charge Calls Evidence of Both Sides 'as Far Apart as Poles'

Special to the Herald Tribune

TRENTON, N. J., June 13.—The case of the six Trenton men charged with the slaying three years ago of William Horner, a seventy-two-year-old second-hand furniture, was given to a jury in Superior Court at 12:46 p. m. today. It was the third trial for the six.

The re-trial jury of six men and six women retired to deliberate on a verdict after a brief charge by Judge Ralph J. Smalley, who said: "The guilt of the defendants must be established by the state beyond a reasonable doubt."

The judge declared that the evidence adduced from prosecution and defense witnesses in the four-month-trial is "as far apart as the poles." He warned the jurors the outcome of the previous trial "has no bearing whatsover on this trial."

The jury has a choice of three verdicts: 1) Acquittal; 2) Guilty of murder in the first degree, which calls for the death penalty, and 3) Guilty of first degree muredr with a recommendation for clemency, which calls for life imprisonment.

Mr. Horner was beaten to death in his shop of Jan. 27, 1948, and robbed of $35.

Doomed at First Trial

The first trial of the six defendants, in the summer of 1948, resulted in death penalties for all. But on June 30, 1949, the State Supreme Court set the convictions aside and ordered a new trial on the grounds that the verdict failed to specify the degree of guilt, and that the trial judge, Charles P. Hutchinson, erred in his instructions to the jury and in refusing to admit as evidence police records of the crime.

The second trial began on Feb. 4 and ended in its second day as a mistrial, after Prosecutor Mario Volpe was rushed to a hospital for an emergency operation. The third trial began on March 5.

Three Confessions Ruled Out

The defendants, all unskilled laborers, are McKinley Forrest, thirty-eight; Collis English, twenty-six; Ralph Cooper, twenty-six; James Thorpe, twenty-seven; John McKenzie, twenty-eight, and Horace Wilson, thirty-nine. Wilson was the only one who refused to sign a confession after arrest, and defense lawyers contended that the other five confessions had been forced from their clients by police.

The five confessions were admitted in the first trial but Judge Smalley ruled three of them out of the present trial on the ground that the state had failed to prove they were obtained legally.

The Civil Rights Congress, listed as subversive by the United States Attorney General, fanned public excitement in the case and dubbed the men "The Trenton Six." The Congress hired lawyers to help argue the appeal but they were later dropped. On opening day of the third trial the Congress passed out leaflets calling on the public to help "cut the lynch rope." Protests by defense lawyers hired for the men by the National Association for the Advancement of Colored People, and a Princeton committee composed of clergymen and educators, put a stop to future demonstrations by the Leftist group.

High light of both trials was the identification of three of the defendants by Elizabeth McGuire, who had lived with the slain storekeeper. Miss McGuire placed her hand on English, Wilson and Forrest and testified they were in the store when the shopkeeper was killed. She said one of the three beat her.

Miss McGuire testified she was unable to identify the men on her first visit to the police station several days after the slaying because her eyesight was impaired by the beating.

The defendant contended they were nowhere near the Horner store on the day of the slaying and several of them asserted they did not know their fellow defendants until all were rounded up by police.

These Four Trenton 6 Defendants Are Free

JAMES THORPE

JACK McKENZIE

HORACE WILSON

McKINLEY FORREST

They Get Life Term

COLLIS ENGLISH

RALPH COOPER

4 of Trenton 6 Freed; Appeals Set for Other 2

All Escape Electric Chair; Two Get Life

104-DAY TRIAL

Case Cost $30,000; 12,000 Page Record

By RALPH H. JONES
AFRO Staff Writer

TRENTON—Even though four of the Trenton six defendants, McKinley Forrest, 40; John McKenzie, 27; James Thorpe, 36; and Horace Wilson, 42, won their freedom, the fight has not ended.

Appeals will be made for Ralph Cooper and Collis English, both 26, from their sentences of life imprisonment at hard labor in State prison and the four freed men have vowed to help see that true justice triumphs.

Malcolm R. Evans, secretary of the Princeton Committee for the Defense of the Trenton Six, and James Imbrie both indicted Thursday that an appeal would be taken for the two men.

Printing to Cost $30,000

Such an appeal must be made in 30 days. To file an appeal with the New Jersey Supreme Court the 12,000 pages of testimony must be presented in printed form. Estimated cost of this item is above $30,000. The State printed the first trial records.

"We are prepared to stay with this case despite the tremendous cost involved," Evans said. A $75,000 fund will be raised, it was indicated.

No official word had come from national NAACP office at presstime as to whether they would continue the fight to free the remaining men.

However, J. Mercer Burrell told newsmen immediately following the rendition of the verdicts that he felt the NAACP would continue in the case.

Basis for Appeal Cited

Because both of the men who were accused of actually wielding the murder weaponhave been exonerated, the Princeton group feels that there is much merit in an appeal for Cooper and English.

They also feel that enough reversable errors were objected to during the course of the 15-week trial to form a foundation for an appeal.

The six men were accused of having murdered 72-year-old William Horner in his 213 S. Broad St. second-hand furniture store on the morning of Jan. 27, 1948 during the course of a robbery.

They were brought to trial in June of that same year and a jury found them all guilty of murder in the first degree and because no mercy was reccommended they were all sentenced to the electric chair, in August.

An appeal to the New Jersey Supreme Court won them a new trial. This trial was begun on Feb. 5, 1951, but was declared a mistrial after a day and a half because Prosecutor Mario Volpe was stricken by appendicitis.

Trial Longest in History

This third trial began on March 5, 1951. It has covered 74 actual trial days and 104 calendar days to become the longest criminal trial in New Jersey history.

A soda water bottle, the alleged murder weapon, did not contain any fingerprints of any of the suspects. At the most, only three light-skinned colored men were said to have been inside the Horner store the day of the crime.

Elizabeth McGuire, who admitted on the witness stand having lived 30 years as the common-law wief of the deceased William Horner, was also brutally beaten. She identified some of the suspects during this 3½-year fight.

Salesman's Testimony

Frank Eldracher, a cigar salesman, was outside the store on that cold morning getting stock from his automobile.

He reported that he saw two light-skinned colored men leisurely leave the store a few minutes before Miss McGuire came to the door, her face was covered with blood. He called three nearby policemen.

Still a third witness, Mrs. Mario Barclay, reported seeing three light-skinned colored men entering a parked automobile in front of her home, just down the street from the Horner store, at about the time of the murder-robbery.

A fourth, very young, man wearing silver frame eyeglasses, was at the wheel of the four-door vehicle, she testified.

In Midst of Crime Wave

Trenton police were already plagued by a crime wave in which colored men were accused. A machine gun-armed squad of 8 policemen was designated as the "Crime Crushers" and told to shoot to kill any colored person suspected of being involved in any robbery, holdup or any other capital crime.

Collis English was the first one arrested when he was picked up on complaint of his father, George English, for taking his two-door black sedan without permission.

Through a three day grilling, Collis involved Ralph Cooper, Horace Wilson, Jack McKenzie, McKinley Forrest and James Thorpe. They, too, were extensively grilled.

Wilson Defied Threats

Dr. J. Minor Sullivan and Peyton (Scrappy) Manning, two colored citizens, were called in with four white citizens to witness signing of confessions of five of the suspects. Horace Wilson never did sign, even in the fact of threats.

Prosecutor Mario Volpe and his first assistant, Frank Lawton, conducted the investigation as chief law enforcement officers. They were aided by Chief of County Detectives Frank Naples.

Father Accuses Son

Dr. Sullivan testified that his findings disclosed the possibility that the suspects had been drugged. He also cited medical symptoms of psychological duress. Handwriting expert testimony and testimony of an eminent psychiatrist supported this theory.

Prosecutor Volpe brought George English, a man with several convictions for moral offenses, into court to openly accuse his son, Collis, of having joined Ralph Cooper in the plot to rob "and kill if necessary." George was revealed as a fantastic story-teller under cross-examination.

Despitethe indictments charging a robbery, a felony which tied the six defendants to a train pulling toward the electric chair, over $1650 was found on Mr. Horner. Miss McGuire had over $900 on her person when she was hospitalized the day of the crime.

Various interesting details were brought out in the trial, but the ignored a death penalty for the jury said four were innocent. They other two.

Bottle Not Death Weapon

Trenton Six Jury Told

By RALPH H. JONES
AFRO Staff Correspondent

TRENTON—A verbal bombshell was dropped in the Trenton Six case Friday when a defense witness told the jury that the "bottle-in-sock" could not have been the death weapon as claimed by the State.

Roy Eisenhart, general plant manager of the Royal Crown Cola Co., of Allentown, Pa. caused the disturbance. He said that the alleged sock-covered murder weapon in evidence was positively in dead storage at the time of the crime.

Mr. Eisenhart produced a bottle similar to the one identified by the State as the murder weapon. He identified the State's bottle by a series of numbers and letters as having been in a shipment which arrived July 17, 1947 from the Owens-Illinois Glass Co., of Streator, Ill.

Not Used Until 1950

These bottles were not placed in general use until June, 1950, he testified. The Horner murder, for which the Trenton Six are being tried, occured Jan. 27, 1948.

The witness said that he remembered the time the bottles were first used because of the explosion of a bottle in use. A girl was cut by glass because of the imperfect bottle and a new batch was brought out of the July, 1947 supply.

Defense Counsel Arthur Garfield Hayes immediately asked Presiding Judge Ralph J. Smalley to inaugurate a grand jury investigation of how the State's bottle got into the case.

Volpe Leaps to Feet

As Mr. Hays made his request Prosecutor Mario Volpe leaped from his seat and almost screaming over Judge Smalley's admonition that the trial not devolve into a question of duties said "An accusation has been made and I want to be heard."

Because George W. English, father of Collis English one of the defendants, had introduced the bottle-in-sock evidence Mr. Hays presented a motion that George English be arrested for perjury.

Both the request for a probe and the jailing of George English were denied. Mr. Volpe also refused to withdraw the sock covered bottle from evidence.

Further bolstering of the defense had preceeded the bottle incident. Ural Koppel and his father, Charles, both supported the alibi of Horace Wilson as to the afternoon employment on the murder date. Their stories bring to a narrow margin an accounting of how Wilson spent his day.

Teachers Testify

Four Trenton educators; Dr. Patton J. Hill, principal of Junior School No. 5; David M. Waters, a history instructor at Junior No. 2; Lloyd Williams, a history instructor at Trenton Central High School and James W. Gilliam, of Junior No. 1, all testified as to the character of John McKenzie. Dr. Hill also said he knew Collis English as of a good reputation.

Miss Leanna Turner, the woman who with her 4 children was living with Horace Wilson at the time of hs arrest in Robbinsville came pretty close to detroying the worth of her testimony Thursday when she suddenly developed either a severe case of "virtue" or "amnesia."

Despite prodding by Attorney Raymond Pace Alexander she failed to properly identify Feb. 6, 1948 as the day when she came to Trenton. That night and the early morning hours following, she and the defendant had retired and Leanna became abashed at the possibility of revealing the details under questioning.

Recalls Police Visit

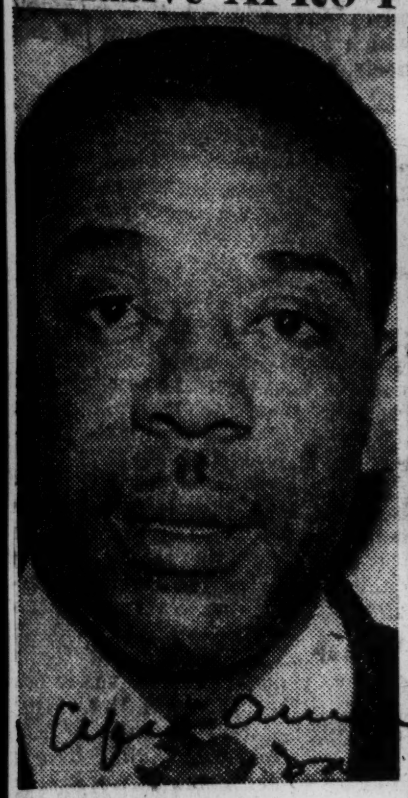
Sharp probing, however, brought from her that Chief of County Detectives Frank Naples, in making the raid on their cinder block home at 7 a.m. had barked at Wilson. "Get out of that bed and come with us, you black s. o. b."

Besides night sessions next week it now appears probable that the Trenton Six murder case will hold sessions on Wednesday, Memorial Day, which is ordinarily a holiday.

A psychiatrist and cardiologist are both scheduled to be called by the defense. The State has indicated that it too will bring in experts to refute whatever implications their testimony imposes.

From the press table it appears that much of the defense case has made an impression on the jury.

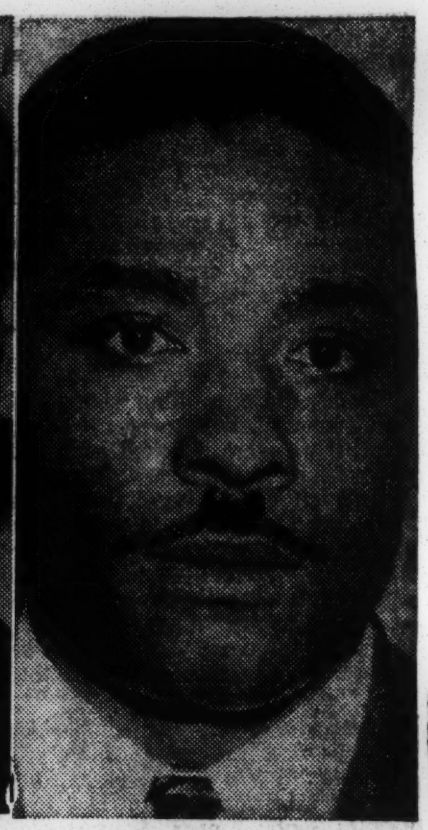
Exclusive AFRO Photos of Trenton 6



HORACE WILSON

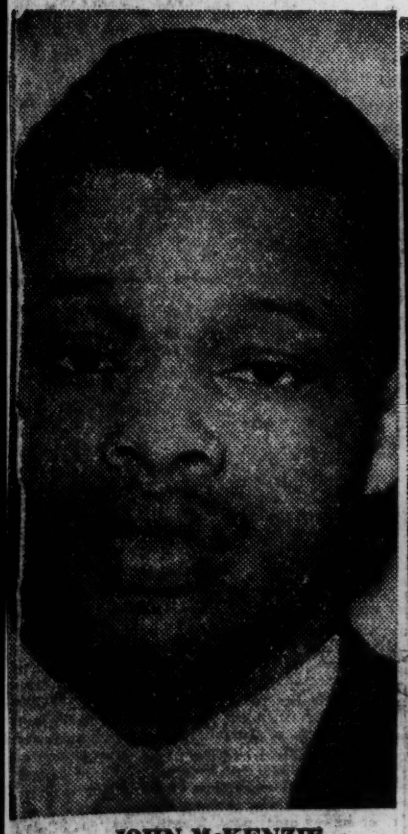
COLLIS ENGLISH

JAMES THORPE



McKINLEY FORREST

Here are first closeup photos of the men known as the Trenton Six, whose second murder trial now enters its elventh week, with testimony of prosecuting witnesses so damaging that old-time court attendants predict they will go free in connection with the Jan. 1948 murder of William Horner.—(AFRO photos by G. Marshall Wilson)



JOHN McKENZIE

RALPH COOPER

SUPERSTITION IN TRENTON CASE:

Triple Births Seen as Sign Three of Six Will Be Freed

By RALPH H. JONES

TRENTON, N.J. — Superstitious Trentonians are predicting that the birth of triplets to Mrs. Melrose Diggs, the witness who all but bore her children in the Mercer County courtroom last Tuesday, is a prediction that three of the six defendants will be freed.

It might be significant that while the forecasting was fresh the third defendant, Ralph Cooper, took the stand and strongly accused Prosecutor Mario Volpe, Assistant Prosecutor Frank Lawton and Chief of County Detectives Frank Naples of "manufacturing" the confessions they forced him to write.

Defense Wins Victory

In the midst of Cooper's accusations Thursday, the defense won the greatest legal battle of the eleven-week trial. Judge Ralph J. Smalley sustained defense objections preventing the introduction of testimony regarding an arrest of Collis English.

Patrolman John Bernhardt of the Hamilton Township police is supposed to have gotten an admission of a crime in that place which linked some or all of the defendants prior to the extraction of the William Horner murder confession.

At least three of the defendants maintain they did not know the others prior to their arrests in this case.

The ruling came at the last part of Collis English's cross-examination because defense counsel had requested the State to produce the record of English's conviction of the crime. He was not even indicted, for charges were dropped to allow him to stand trial in the Horner murder case.

Again the jury was excused as arguments for excluding the material was heard.

Confession Entangles Wilson

Horace Wilson, the first defendant to take the stand, was the person most affected by the Bernhardt confession. He definitely was linked by this testimony with some of the other defendants prior to the Jan. 27, 1948 date. He has steadfastly denied knowing any of the other defendants any length of

fire of questions from Mr. Volpe
cause Collis to need a short rest
period. The physician ordered by
Judge Smalley to attend him was
on stand-by duty in the courtroom.

Ralph Cooper, in levelling his
charges against the three above
named persons, faced them but
boldly spoke out. All three men
were at the prosecutor's table.
Neither gave any outward sign that
the charges affected them in any
way.

Latest development in the trial
was the announcement of Judge
Smalley on Monday, May 21, he
that beginning Tuesday sessions an additional
night sessions would be held from
7:30 to 9:30 a.m. Tuesdays and
Thursdays.

Exactly 55 days of continuous
trial sessions were completed with
no reason apparent to me he told Friday's events. Only one other
two apparent lies that might dam- case in New Jersey, a civil action
age his lawyer's case. It would involving a reputed 4 billion dollar
be unfair to the defendants to re- plum, has exceeded this case in
veal what they (the falsehoods) are time consumed. A record 88 days
at this time for it is remotely pos- was established in that instance.
sible they escaped Mr. Volpe.

Only once did the grueling cross

Police Lt. Charles H. Dawson is
also referred to by the prosecutor
as having sat in on the conversa-
tions which resulted in Collis Eng-
h's confession of this crime.

Mr. Volpe indicated, prior to
Judge Smalley's ruling, that he
would have to call Dawson and
Bernhardt as witnesses later if his
offer were denied.

Whether Judge Smalley will per-
mit this is now a matter of con-

jecture, for his ruling would seem
to indicate such testimony is too
damaging to be included.

English Good Witness

Collis English made a surpris-
ingly good witness although for
time.

Anticipate New Surprises in Trenton 6 Case

Expect Court to Bar Oral 'Confessions'

DECISION AWAITED

Action Will Remove State's Last Prop

By RALPH H. JONES
Staff Correspondent

TRENTON, N.J.—Another major prop in the Trenton Six murder case is tottering. Admission of oral confessions might be ruled out of the case and, if they are, the State's case will fall flat as a pancake.

Both Raymond Pace Alexander and George Pellettieri offered motions to strike out oral testimony affecting their clients Friday in the Mercer County Superior Court trials.

Judge Ralph J. Smalley heard arguments from both counsel and reserved his opinion until Monday because he wanted to study the transcript of testimony affecting the issue.

With three police confessions already excluded and one defendant never having signed a self-incriminating statement, the oral testimony ascribed to the defendants is now of great importance.

Possibility of the exclusion of some or all portions of the oral testimony developed during the cross-examination of Lt. Andrew F. Delate. He was the acting police captain in charge of the investigation at the time of the Horner murder.

Both Mr. Alexander and Judge Pellettieri made short but eloquent pleas setting forth the law that supported their position. The jury was excused from the court while their arguments were presented.

May Halt Trials, Free Four

Even before the defense will have an opportunity to present its case, some of the boys might be freed.

This was evidenced on Thursday when Judge Smalley would not grant a motion for a mistrial made by Mr. Pellettieri and concurred in by Mr. Alexander over the admission of one of the written statements not excluded by the previous week's ruling.

Judge Smalley then indicated that the motion was denied but tha defense's objections could form a basis of a directed verdice of not guilty at the conclusion of the presentation of the State's case.

To Ask For Acquittal

If such a motion is granted, it will not free all of the defendants as the evidence now stands. Four of the accused, at least, would be in the clear it is believed, if a directed verdict is upheld

Collis English and Ralph Cooper would probably still have to fight to a jury verdict. McKinley Forest, John McKenzie, James S. Thorpe and Horace Wilson are the ones most affected by the directed verdict prospect.

Add to the above favorable developments for the defendants the fact that an additional motion for a mistrial based upon the suppression of evidence has been made and denied and the defendants' case is strong indeed.

That motion was denied, but it also can become a part of the directed verdict motion.

The suppression of evidence phase developed when Lt Delate disclosed that he had turned the $1672 found upon William Horner, the murdered man, over to the administrators of his estate. He was ordered to do so by the court.

Money Belies Robbery Motive

This money, in three separate bundles, is of major importance to the defense. Defenders' position is that no burglary occurred. Thy maintained that the money taken off Mr. Horner by police was in such large rolls that it would have been impossible for a robber to overlook it.

Police made one of the accused re-enact the crime, as they conceived it, and the pants pockets were rifled as a part of the demonstration.

Delate admitted that he did not have any evidence linking three of the defendants to the holdup slaying of the elderly shopkeeper. He gave the testimony under cross-examination by Defense Counsel George Pellettieri, who was seeking to impeach the credibility of Delate's testimony.

The police lieutenant said a bottle, which the State contends was the murder weapon, might be considered evidence. But Delate added that no fingerprints were found on the bottle.

Earlier in the day, Delatt testified that he did not check the alibi of one of the defendants. He said Cooper had given an alibi to police but English and Thorpe did not. He admitted he had not checked Cooper's alibi.

Delate said he did not finish investigating the case until May or June of 1948 and that the alleged confessions were obtained from five of the defendants in February of that year. This was a month after the slaying of the 72-year-old shopkeeper.

Cross examination of Delate followed a stern admonition by Judge Smalley to both defense and prosecution to speed up the trial.

Calling attention to the fact that the jury has been out of the courtroom for nearly eight weeks, the judge said it was to the interest of both sides to move faster. He asked for co-operation in achieving this but reiterated his promise to give the six defendants a fair trial.

Money Found in 3 Pockets

While questioning Delate, Pellettieri brought out that $890 was found in Horner's left-hand pants pocket, $680 in his hip pocket and an additional $72 in some other pocket. One of the defense contentions has been that there was no robbery in connection with the murder.

Delate said he understood that the $72 came from Horner's watch pocket. Earlier he had told how English re-enacted for the police the way he reached into the right-hand pocket of Horner. The prosecution maintains that a few dollars were stolen.

While questioning Delate about the money found in the pockets of the murdered man, Pellettieri brought out that the bills totaling $1672 had been turned over to the administrator of the Horner estate by order of Superior Court Judge Hutchinson, who presided in the first trial.

Defense Demands Mistrial

The defense asked for a recess. When court was reconvened, Pellettieri asked for a mistrial.

Raymond Pace Alexander, of Philadelphia, one of defense counsel, argued the defendants were entitled to have the bills found in Horner's pocket brought into court. He contended there was no robbery as the prosecution contends.

Judge Smalley said he did not understand the motion for a mistrial and called Alexander's argument "without merit." He denied the motion.

During the cross-examination of Delate, Pellittieri also brought out that the police official had kept no notes in connection with the investigation and that at various interrogations, the defendants had not been cautioned as to their rights. Delate, had testified previously, however, that defendants giving written statements were cautioned before the statements were taken.

Woman Couldn't Identify Four

Under cross-examination, Delate also said Mrs. Horner who was beaten at the same time that her husband was murdered, made no positive identification when four of the defendants were first paraded before her at the police station after the arrests.

He said English was treated as an informer when first arrested but was "not given special attention." He was kept in detention room, however, which was the only cell in the First District police station with a bed, mattress and sheets.

Delate also admitted he related to English the story Cooper told about how the murder was committed. But the policeman denied that he "tailored" English's subsequent statement to fit that story.

During direct testimony earlier in the day Delate said he was called to the police station on the evening of Jan. 1, 1948, and that John McKenzie admitted he was the "lookout man" during the crime. A ruling by Judge Smalley stopped questioning about proceedings that night.

All in all, the defense scored heavily upon the prosecutor's star witnesses during the week.

At the present rate, if their success continues, the defense of the Trenton Six will not be as difficult as was first believed. However, it cannot be overlooked that the State has not as yet completed its case and some surprises might be in store.

Chicago Peace Group Resents DuBois Smear

CHICAGO — The recent indictment of Dr. W. E. B. DuBois under the "Foreign Agents Registration Act" has been protested in a resolution adopted at a membership meeting of the University of Chicago Faculty-Graduate Committee for Peace. The resolution stated in part

"We join with the Baltimore AFRO - AMERICAN in asking "Does the government seek to argue that Americans cannot desire peace, that the hatred of war and all its kindred evils are the exclusive privilege of aliens?" We call upon the Attorney General to take steps at once to withdraw these proceedings against Dr. DuBois."

Hears Swish of Lyncher's Rope at Trenton 6 Trial

Chips Down, Six Lives at Stake, Says Writer

Jim Crow Not on Surface But He Lurks in Shadows of Courthouse

By ED LACY

TRENTON, N.J. — She parked the car, said, "Why there's the house. It looks so..so..innocent." She writes boy-meets-girl stories for the slick magazines; makes good money; her roadster is expensive.

We got out and crossed No. Broad Street, stared at the two-story frame building. Above the store there is a crude, bright, painted sign saying the place is (was, or perhaps will be) a gift shop. But in the dirty store window itself there is a FOR RENT sign. It is a rawshackle old building, but not any better nor worse than the other houses around.

We both stare at the number on the door....213....as though we expected it to bite us.

Can't Understand It

She said, "I can't understand it ....this is almost part of the main street. And at ten in the morning you'd think there'd be people about, like there is now. And yet, there was only one witness—that cigar salesman. Sounded honest, good, didn't he?"

"Yes, I guess so," I told her.

We stood in front of the store for a moment, the street was full of the late afternoon sun. People and cars passed....everything seemed so peaceful, almost unreal.

From this very store on Jan. 27, 1948, an elderly white woman staggered out into the street, her face bloody. The passing cigar salesman ran to her, then called a cop standing on Perry Street—a comparative few feet from the store. Later six colored men were arrested, that was the start of the case of the Trenton Six.

All Neat and Clean

This woman writer and myself had just left the Mercer County Courthouse—where for the second time six men are battling for their lives. The courtroom is small and new, panelled walls, everything very neat and clean.

There arent any burley cops with guns about, merely a few court attendants, including a handsome colored woman. The judge looks like those handsome characters who play judges in the movie; he speaks in a gentle, patient voice. The short, dumpy, prosecutor is polite, so are the defense attorneys.

The small courtroom holds about 200 people, about half of them colored—among the others are some students from near-by Princton. Paul Robeson was raised aroudn here.

About a dozen reporters are covering the trial, including Ralph Jones of the AFRO. The six defendants look calm, are dressed as if about to go out to church, or see a show.

There doesn't seem to be any tension in the courtroom. As this woman writer said to me," I don't know, there's nothing dramatic here—not what I expected. Why it's almost like a civil suit over a couple of dollars . . . not a murder trial."

Atmosphere Strange

Indeed the atmosphere does seem a little strange—there's no lynch rope visible here in Trenton, N.J., yet when I hear the testimony—just the few statements we heard on this one day . . . the white haired cigar salesman....says he saw two colored men leisurely leave the store, walk down the street, shortly before Mrs. Horner came screaming out.

Now this is the State's witness, and you wonder on what logic they can possibly be holding six men. No, the salesman insists he could never identify the two .... the State's main witness, yet I'm astonished to hear he was never questioned, at the police station or in the D.A.'s office, before the first trial.

They—the State—merely talked to him at the scene of the crime —that's all. Strange treatment for an important witness . . . make one wonder if the State wasn't too concerned about the lives of six men of color. You notice there aren't any colored persons on the jury . . and even though everybody is polie, I remember how these six men were nearly electrocutd . . . but the Civil Rights Congress and other organizations suddenly went to bat for them, told the people about the case.

Cruel Mental Torture

Yet all the time a fight was going on to save their lives, the six men were never even told about it—thought they were going to die. What mental torture on the part of somebody in office!

During lunch we hear snatches of conversation . . " Ought to burn 'em all and get it over with . . " "Well, way I see it, two of them are guilty anyway, maybe the others ought to get off . . ' (Anyway . . . Was that what people thought during the first trial when six men were condemned to die in the chair? Or don't the lives of six colored men matter in this world of mass destruction . . ?

" . . Tell you. I don't think they did it. but the State has this tiger by the tail, you see, and they're afraid to let go. Got to get a conviction of some kind . . to save face...."

And so it goes. It's a strange trial . . . nothing one can put his finger on . . certainly this white writer and myself would have been mobbed in Jackson, Miss., if we went to watch Willie McGee's trial but in Trenton, N.J., nothing happens, nobody even stares at us—much . . Yet underneath the kid glove politeness, one can hear the faint swish of the lynch rope . . . no matter what legality the rope is clothed in.

All So Different

We leave the house and the woman writer starts her car, says, "Well, I'm glad I came, but it's all so different from what I expected. Seems like a fair trial to me. Don't you think so?"

I don't know what to tell her. She's an intelligent woman, a white woman who has known my wife since school days...My wife wouldn't come, was afraid she'd break down in the court room... this woman is honest, and we visit her house and she visits us and we all tell each other that "color doesn't matter..."

Yet, here in Trenton I realize that she is a white woman, part of the white world of America the movies so vainly try to glamorize. She's a smart woman but how can I explain to her what I feel—what any colored person feels and knows...

All Part of Pattern

That the Trenton Six are all a part of the jim-crow pattern of America that lynching doesn't always mean the cowardly mask of the KKK or the brutal drunken leer of a red-faced cracker?

Sometimes that old jim-crow can hardly be seen—on the surface — but a colored person knows it's there...oh yes, when the chips are down and six lives at stake...we ure can small the stink a mile off!

PLEA FOR ACQUITTAL LOST BY TRENTON SIX

TRENTON, June 8 (AP)—Superior Court Judge Ralph J. Smalley refused today to order a jury to acquit the Trenton six, holding there was sufficient evidence in the murder trial to give the case to a jury.

It was the second time defense lawyers had lost motions to have the case dismissed.

Mario Volpe, Mercer Country prosecutor, argued against the motions, saying there was "sufficient evidence against each and every one of these defendants." They are six Negroes accused of killing William Horner, a shopkeeper, in a 1948 holdup.

Defense lawyers argued the evidence was so confused and contradictory that a jury should not be asked to decide the guilt or innocence of the men. The case may go to the jury next Wednesday.

A speed-up was effected by a request by defense lawyers for a night session on Monday, which would permit them to complete their summings up in one day. The judge granted the request. The prosecutor expects to require one day and the judge will use up most of Wednesday for his charge to the jury.

Thurgood Marshall Present

NAACP Special Counsel Thurgood Marshall made his first appearance at the trial Tuesday morning. Introduced to Judge Smalley by Defense Counsel Raymond Pace Alexander, he was classified as an 'observer' although given a seat at the counsel table.

Officer "Fingers" English

Collis English, the first person arrested as a suspect in the case, nervously fingerd his moustache as patrolman Nicholas Lichfuhs "put the finger" on him Monday.

His five co-defendants poker-facedly stared at the policeman as prosecutor Mario Volpe drew out the involvement of English.

They twitched not a muscle as Lichfuhs described how he had arrested English at his home, 2473 Church St., after his father, George English, had complained that his automobile had been taken by his son without permission.

Jury Excused

Patrolman Lichfuhs testified before an empty jury box. Upon request of defense counsel the jury had been excused because the defense contended that the confessions were illegally secured by police.

Judge Ralph J. Smalley, explained to the jurors that their exclusion was prompted by his duty to rule upon some legal aspects of the case before its presentation to the jury.

Jurors Smile at Six

The jurors were in a jovial mood — a carryover from their Easter Sunday parade on Asbury Park's boardwalk—as they left the court room.

Several smiled in warm, friendly fashion in the direction of the defendants as they fied out.

As Lichfuhs continued testifying English nervously played with his chin and batted his eyes rapidly ,one of his emotional characteristics.

Patrolman Toft on Spot

Attempts to make Patrolman Donald A. Toft admit he had asked to be withdrawn from the case were blocked by the prosecutor on sustained objections.

Tenseness pervaded the courtroom all day following the first appearance of Toft. His testimony was interrupted by the arrival of John P. Brady, State police chemist and toxicologist.

At one point four of the six defendants had their chins cupped in their hands as they strained forward in their seats to catch every word spoken.

A falling pin to the floor would have sounded like an earthquake during Lichfuhs's recital of how Collins's father's complaint had enmeshed him in the trap baited by the murder.

Defense Scores Police

Laboriously Lichtfuhs tried to wade through the maze of tense questions bombarded at him by Raymond Pace Alexander, George Pelletieri and Arthur Garfield Hayes.

At times he aquirmed and twisted as defense spun its pattern of police grilling.

Defense attorneys made Lichtfuhs admit at one point, seven armed police officers in three autos took the slightly built Collins Engish to Robbinsvile, a farming section amost six miles from town, to pick up a Buddy Wilson and Spud Green mentioned during the 3-hour grilling.

Damaging Admission

Defense attorneys also wrung from the officer the admission that they had no warrants either for English or for the searching of the 20 homes in Robbinsville.

The policeman at one time said English was not under arrest, even though his prior testimony showed English had been placed under arrest on the second trip of the officers to his home.

Allen Pellettieri and Prosecutor Volpe were at each other's throats in sharp legal exchanges throughout the day. Each seems to have power to make the other fighting mad at the drop of an affidavit.

Case Hinges on 'Confession'

Now that the going is getting pretty rugged, many spectators are losing the smirks of confidence they wore last week. The defense scored heavily then, but now it has been slowed by its efforts to have the confessions rejected.

The State knows its entire case is built upon the confessions and every possible means is being used to keep them in evidence.

If the defense succeeds in barring the confessions then look for an early ending of the Trenton Six case.

If the confessions stand up then the trial might be longer than the previous 44-day court tilt three years ago.

Charges of shabby treatment of colored citizens by police because of their color was shouted by Defense Counsel Ex-Judge George Pellettier at Patrolman Louis Amanns during his testimony, Tuesday morning at the trial.

Even Smalley's head jerked up in surprise as Pellettieri yelled: "these people were treated like second - class citizens, weren't they?"

Prosecutor Mario Volpe leaped to his feet as his honor pounded the gavel for order. He remnstrated with Mr. Pellettieri fr making the assertion.

According to police testimony, their question of Collis English was mild and gentle; the seven policemen with him in the small detention room never raised their voices, used any physical force or threats and English freely volunteered the finformation involving the men in the crime.

Further pounding by defense brought out that no warrants were issued either to hold English or give police the legal right to invade 20 homes in Robbinsville farm settlement, where Raph Cooper and Horace Wilson were apprehended at 7:30 a.m.

The two were allegedly involved as the result of English's freely-giving confession.

Warned Not to Sign

"Boy, if you sign that (confession), you will sign yourself right into the electric chair," Dr. J. Minor Sullivan 3d was reported to have warned one of the Trenton Six suspects.

Capt. Andrew F. Delate so testified on Thursday from the witness stand in Mercer County Superior Court during cross examination.

Dr. Sullivan, Peyton (Scrappy) Manning, Dr. George A. Corio, Dr. G. A. Cardella and Former Assemblyman William P. Howe r. were all called in as witnesses to the signing of confessions. Sulivan and Manning are colored.

Police Captain Unstrung

Captain Delate, although soft-spoken, was considerable upset several times during the day-long examination of George Pellettieri, defense counsel.

Captain Delate was on the stand for the second day. He had been made to admit several discrepancies, as had other State witnesses.

His testimony was broken at one point when Sheriff Brennan, who is in charge of the jury, now secluded from the court while Judge Smalley hears evidence on the voluntarinss of the confessions, came to report juror No. 1 ill.

Mrs. Alyce F. Spellman was affected by a grippe infection. Permission was given to have Dr. John J. Haney treat the stricken woman. He was sworn in as a sheriff's deputy.

Suspects All in Lineup

Delates' testimony also disclosed that the only people in the police lineup of possible Horner murder suspects were the present defendants.

Various phases of how the statements were signed and the issuance of cigarettes and food to the prisoners were explored thru questions by defense. Defense contends that the men were given reefers and drugs to extract their statements.

At one phase of the questioning, Mr. Pellettieri yelled to Prosecutor Volpe that there was a black and sinister reason for the actions of the police. Judge Smalley admonished him that the Police Department was not on trial here.

During the Wednesday sessions, Miss Rae Pace Alexander and her white schoolmate, Miss Judy Love, were among spectators in court. Dr. Helen Dickens and Mrs. Arthur H. Thomas of Philadelphia were with them. The girls attend Friends School in Philadelphia.

Tempers were at fever pitch as arguments proceeded over the admissibility of the confessions. Counsel on both sides have explosive flareups; and spectators moan or chuckle according to which way the judges' decision goes.

There has been no disorder, however, other than the unexpected appearance of the woman evangelist on Tuesday.

Judge Smalley is growing a bit "edgey" as proceedings stretch out. He repeatedly urges prosecution and defense to speed up their

Mr. Volpe, chief prosecutor, indicated at the close of court on Thursday that at the present rate of speed, he expects this trial to last at last four and a half months.

Show Police Descriptions Didn't Tally

Stout Alibis Back 3 of Trenton 6

TRENTON, N. J.—Strong alibis were introduced last week for at least three of the famed "Trenton Six" as their trial continued on charges that the six Negro men robbed and murdered a white storekeeper Jan. 27, 1948. Defense counsel also introduced police records which showed that the defendants did not answer the descriptions sent out over police teletype at the time of the crime.

Mrs. Emma English, mother of Colis English, testified that her son was at home helping her with her washing at the time the crime was committed. Holmes Perrine, manager of the farm where Horace Wilson worked, said his records showed Wilson was on the job at the time of the crime. He also produced records of his foreman showing Wilson entered as being at work.

REPEAT DRUG CHARGE

Two witnesses testified that James Thorpe was helping repair an automobile when the slaying occurred. John McKenzie, another defendant, insisted again that the six men had been durgged and intimidated before signing "confessions." Wilson was the only one who did not sign a "confession," and said he never knew the other defendants before the day of the crime.

Defense attorneys, Raymond Pace Alexander, J. Mercer Burrell and Clifford Moore, representing two of the men for the NAACP, introduced police documents used in a radio broadcast after the murder took place. These documents described brass knuckles and a car which did not answer the descripton of that which Collis English was driving when he was arrested and which was alleged to be the "get-away" car. Presiding Judge Smalley ordered a Memorial Day session to try to end the trial "some time in June."

$10,000 Fund Set for Defense of Trenton Six

New Trial to Begin Feb. 5; Counsel Fixed

$5,000 FROM STATE

Money to Be Used Solely for Case

By Staff Correspondent

TRENTON — At its midwinter meeting Saturday at Carver Center, the New Jersey State Conference of NAACP Branches voted to raise a $10,000 defense fund for the "Trenton Six" Case. The new trial for the six defendants is scheduled to begin Feb. 5.

The NAACP will defend two of the accused men, John Mckenzie and Horace Wilson. Thurgood Marshall, chief counsel of the National NAACP, will head the defense counsel.

It was announced, however, that Raymond Pace Alexander, Philadelphia lawyer, will do the actual courtroom work as Marshall is likely to be tied up with defense of GI's in Tokyo, Japan.

N. Y. Lawyer to Defend 3

Arthur G. Hays, a veteran New York civil rights lawyer, will represent the three defendants formerly represented by the Civil Rights Congress. They are Collis English, James Thrope and Ralph Cooper.

Superior Court Judge Ralph J. Smalley, who will preside at the trial on Friday admitted Hays to practice in New Jersey in connection with the case.

Judge Smalley denied admittance to Charles P. Howard, Des Moines, Iowa, lawyer. Solomon Golat, Newark lawyer, who previously represented the men defended by the CRC, told the court it would be impossible for him to continue his services as he has not been paid.

Asked to Be Relieved

He asked to be relieved as soon as another New Jersey lawyer had been selected by Hays.

The other defendant is represented by former Judge Frank S. Katzenbach. In addition to Marshall and Alexander, other NAACP lawyers to participate in the case are J. Mercer Burrell of Newark, and Clifford Moore of Trenton.

Robert Queen, Trenton lawyer who formerly represented McKenzie and Wilson, will serve as consultant for the NAACP defense counsel.

Hays is being sponsored by a group of citizens described by James Imbrie, of Princeton, head of the New Jersey Progressive Party as liberals. He stated that the groups will work independent of the CRC.

$5,000 from State Branches

Of the $10,000 to be raised by the NAACP, State branches will account for $5,000, the balance to be contributed from branches and other organizations and individuals outside the state.

Samuel A. Williams, East Orange, State vice-president, who presided in the absence of Dr. U. S. Wiggins of Camden, appointed the Rev. Charles H. S. Watkins of Bayonne, as chairman of the NAACP Trenton Six Committee.

The Rev. Mr. Watkins, who is State treasurer of the NAACP, will be custodian of all funds collected for the case. The Conference voted that he be bonded and required to publish in newspapers all monies collected and spent.

Mystery Girl Sought in Trial of Trenton 6

Judge Orders Search at Defense's Request

MAY CLEAR ALL

Mum on Light She Can Shed on Murder

By RALPH JONES

TRENTON—A mystery woman, whom it is believed can exonerate all of the "Trenton Six," was being sought as the third murder trial case opened here Monday. Superior Court Judge Ralph J. Smalley ordered the search for important missing link after defense counsel presentments last Monday.

Certain Records Sought

Plea for the production of the woman came following a hectic court appearance on Monday of defense attorneys requesting the prosecutor to produce records of police that contained descriptions of the three men supposedly seen fleeing the scene of the murder of William Horner, 72, a shopkeeper, three years ago.

Public Safety Director Andrew J. Duch was called to testify in regards to police records in the case. Defense Attorney Edward L. Katzenbach demanded a record of the teletype message. Mr. Duch replied that the records should be in the custody of the First Precinct.

Chief of Police William A. Dooling, who followed Duch to the stand, stated that the prosecutor's office had possession of the records.

"Weapon" Evidence Flayed

In his disposal of the "mystery woman" angle of the case, Judge Smalley asked Assistant Prosecutor Frank Lawton if he knew of such a woman. Lawton's negative reply brought the Judge's order.

Another significant point was scored by defense attorneys during this preliminary trial hearing requested by defense to aid in its preparation. This was that soda pop bottles, the alleged lethal weapon, were examined a year and a half after the crime and no finger prints of any of the defendants were found there.

Further questioning by George Pellettieri brought forth that the fingerprints orginally found on the bottles were not those of any of the defendants.

Denies Withholding Evidence

Under the constant prodding of defense counsel, which included Raymond Pace Alexander of Philadelphia and J. Mercer Burrell of Trenton, Mr. Lawton declared that he did not intend to withhold any evidence from defense and if the court ordered it he would "bring in a truck load."

Another development of the hearing was the bringing into the open the question of why Det. Lt. William Stanley and Det. F. Toft had asked to be relieved of further investigation in the case because of their belief some of the men were innocent. Mr. Duch was asked if he had received such a letter and his reply was that he had not.

Monday Hearing Formality

Each of the above matters are of major importance to the defendants. The day and a half mistrial recently declared when Prosecutor Mario Volpe had to undergo an emergency operation was mostly used up prior to jury selection in wrangles over these points.

Ruling by Judge Smalley made the prosecution agree to come into court upon request of defense counsel to hear requests for evidence held by the prosecutor.

The Monday hearing was for the purpose of having defense formally present its requests for pertinent materials believed to now be a part of the prosecutor's file of material.

Trenton 6 Trial Hears Police Aid Deny Confessions Were Forced

TRENTON, N. J., March 28 (AP).—A Trenton police lieutenant today testified how five Negroes signed statements which implicated them in the killing of a shopkeeper.

Lieut. Andrew F. Delate testified three civilians, including two doctors, were present when the statements were signed. He said the doctors asked the men if the police had treated them correctly and received favorable answers.

The doctors, he added, gave the men physical examinations after the alleged confessions were signed. He did not testify as to their findings. These may be brought out tomorrow when Lt. Delate will be cross-examined by defense attorneys. A sixth Negro is also on trial for the killing, but he has never signed a confession. Defense attorneys contend the confessions were obtained through the use of drugs and threats.

Wilson Refuses to Sign

Lt. Delate testified that James Thrope, Collis English, McKinley Forrest and Ralph Cooper signed confessions in the Trenton police station during the night of Feb. 10, 1948, several days after they were taken into custody. Horace Wilson refused to sign a statement, Lt. Delate said. He said John McKenzie was arrested Feb. 11 as a result of implications contained in English's confession and did not sign his confession until Feb. 12.

Earlier testimony did not settle the question of how Horace Wilson was implicated. Trenton police Lt. Charles Dawson did not establish whether Horace Wilson is the same Wilson mentioned by English in preliminary oral statements.

Lt. Dawson testified that English had been asked to identify Wilson as the "Buddy" Wilson he mentioned when he first was questioned. However, English replied the man he had in mind looked a little older, Lt. Dawson added.

Doesn't Admit He's "Buddy"

On cross-examination by defense counsel George Pellettieri, Lt. Dawson said Horace Wilson had not admitted he was "Buddy" Wilson and had never been asked whether he was "Buddy" Wilson. Lt. Dawson said further that Wilson and Cooper had ont been told why they were being taken to Police Headquarters when they were picked up.

Lt. Dawson said he still did not know where English fits into the case of the slaying of Mr. Horner, a seventy-two-year-old shopkeeper, more than three years ago.

Later, under questioning by Mercer County Prosecutor Maric Volpe, Lt. Dawson said he participated only in a preliminary investigation of the case and was therefore not sure of English's role.

All six men were convicted of the slaying at their first trial and were sentenced to die in the electric chair. The State Supreme Court later ordered a new trial.

Trenton Slayers Eluded Policeman

By JOHN ST. GEORGE JOYCE

Inquirer Staff Reporter

TRENTON March 21.—A policeman standing within 90 yards of the store in which William Horner was killed during a holdup noticed nothing unusual until the arrival of an ambulance, it was disclosed today at the Trenton Six trial here.

Patrolman Edward W. Kelly, one of four policemen who testified for the State today, said he was standing on the northeast corner of Broad and Cherry sts. at approximately the time of the slaying, although the store was not in his view.

But under questioning by defense lawyers he agreed he was standing on Perry st. near Broad from about 10:25 A. M. until approximately 10:45 A. M. when an ambulance arrived. The first police radio message sent out on the holdup was timed at 10:59 A. M.

Kelly also told defense counsel that he obtained the first description of her assailants from Mrs. Elizabeth McGuire Horner immediately after the murder of the 72-year-old shopkeeper at 213 N. Broad st.

It was the description sent out in radio messages which lawyers for the accused men have contended did not tally with the actual facts in the case as presented by the State.

Kelly told Attorney George Pellettieri that he reported to his headquarters via a police box at Broad and Cherry sts. at 10:20 A. M., walked to a nearby bus terminal and returned within a few minutes. He said he had noticed no loiterers nor heard the roar of a "getaway car." The policeman's first knowledge of an emergency came when he saw a light flashing on the police box on the corner and then saw an ambulance turn off Perry into Broad st. and stop at the Horner store.

INJURIES TO EYES

Earlier testimony concerning Mrs. Horner's failure to identify four of the defendants at a police station Feb. 7 brought out the statement of a physician that Mrs. Horner could see well enough under ordinary conditions despite exterior eye injuries.

Dr. Irwin Sachs, an eye specialist, examined Mrs. Horner at McKinley Hospital on four occasions. He last examined the woman two days before the vain attempt to identify the four men. The witness said that Mrs. Horner's sight was unimpaired.

However, he was unable to state her ability to see through smoked glass, through which she peered at the defendants on that occasion.

Trenton Six on Trial Next Monday

The trial of the Trenton Six begins next Monday in Mercer County Courthouse, Trenton, N.J. They are charged with the murder of William Horner, a junk dealer. In this photograph, posed before going back to jail, are: Collis English, McKinley Forest, Ralph Cooper, James Thorpe, John McKenzie and Horace Wilson.

Trenton Defendant Unshaken In Denial Of Part In Crime

TRENTON, New Jersey—(SNS)—Horace Wilson, one of the "Trenton Six," denied Wednesday any connection with the January, 1948 murder of William Horner. Wilson stated that he was working on a farm near Robbinsville on that date.

Wilson, is the only one of the six who never signed one of the "confessions" which have been so hotly contested by the defense. The confessions, the defense alleges, were obtained under pressure, extortion and possibly narcotic influence.

'Woman in Black' Yells at Trenton 6

'Their Blood Will Be on Your Hands,' Bishop Grace Follower Tells Hearers

By RALPH H. JONES

(AFRO Staff Correspondent)

TRENTON—The tension-packed courtroom where the Trenton Six are fighting for their lives was thrown into an uproar just before noon Tuesday when a black-robed evangelist appeared in the doorway and shouted in ringing, prophetic tones, "Glory to God, Those Boys Are Not Guilty."

Before astounded court officials could reach her and stunned Presiding Judge Smalley could bang for order, the woman, continued, "Woe unto all of you people. The blood of those boys will be on your hands."

She then disappeared as suddenly as she came, but her voice was heard ringing through the Mercer County Courthouse, repeating in a sing, song voice, "Glory to God, Glory to God, Those Boys Are Not Guilty."

Counsel in Argument

The dramatic interruption occurred just as opposing counsel were embroiled in a heated argument over the admission of evidence showing the machine-gun atmosphere which enveloped the entire Trenton community at the time the boys were arrested.

So shocked was Judge Smalley by the unexpected and noisy appearance of the woman evangelist, he immediately called a recess until the afternoon session.

I was able to reach the woman before deputy sheriffs had taken her into custody. She reluctantly identified herself to me as Sister Pauline Hamilton of 684 Lexington Avenue, Brooklyn, N.Y.

She said she was a member of the House of Prayer for all Nations, a branch of the sect headed by Bishop C. M. "Daddy" Grace of Philadelphia.

Attired In Black

Attired in a black hat and dress and wearing white cotton stockings and shoes, the heavy-set brown-skinned woman made an impressive figure.

She jerked away with ease from two husky deputies, who sought to corner her at the courtroom entrance.

Her surprise evangelism had a marked effect on the six defendants.

Ralph Cooper, reached for his handkerchief and wiped tears from his eyes. Collis English blinked back tears and Horace Wilson bowed his head as if in prayer.

An unidentified woman spectator in the courtroom, stood up, moaned, "Lord have mercy" and fled sobbing from the disordered scene.

Down on the first floor, Sister Hamilton walked through the corridors screaming.

She shouted that those boys were innocent and that the people in the courthouse better be sure their blood was not on their hands. Officials tried to quiet her, but she sent them away with loud preachments about their sinfulness.

For 15 minutes almost every office in the building was emptied as the woman hurled her invectives upon the authorities.

Famed Joe Baker Goes To Trenton 6 Trial

TRENTON — Sandwiching a visit to the court room into her five-day theatre schedule in Philadelphia, internationally-famed star Josephine Baker added a touch of cheer Friday to the six Trenton men on trial for the third time charged with the murder of a 72-year-old white man.

Miss Baker exchanged remarks with reporters and defense attorneys after talking with the defendants during a morning recess Friday.

"I thought it might bring a little cheer to the men," the famous entertainer said. She explained that Raymond Pace Alexander, a personal friend and a defense attorney, had told her that John MacKenzie, one of the six defendants, had been entertained by her at the 19th General Hospital in Le Mans where he was a patient during World War II.

"Wonderful Experience"

Questioned by reporters, Miss Baker said that she will try to see President Truman on the Trenton Six case. "It's the most wonderful experience in my life to see Negroes and whites together fighting for justice in this case," she said to reporters in French.

Miss Baker's appearance at the trial Friday highlighted a week long series of legalistic wranglings in which defense attorneys are seeking to have the court rule out as evidence, the so-called confessions signed by five of the six defendants. Horace Wilson, the sixth, did not sign a confession but was implicated by the others.

Friday, for the second time last week, County Prosecutor Mario H. Volpe blocked attempts by defense attorneys to show that a police "reign of terror" had been instigated in the Negro community of Trenton at the time of the arrest of the six men.

No Newspapers

Defense attorneys attempted to produce newspaper stories and editorials in Trenton newspapers, to which Judge Ralph Smalley sustained the prosecutor's objection, ruling that he would question each phase of the defense's attempt, rather than make a blanket ruling.

Atty. Raymond Pace Alexander contended that the atmosphere created by what he termed a police reign of terror, aided in "breaking" the five men who signed confessions. Mr. Volpe, however, asserted that only the issue of the guilt or innocence of the defendants was in question, and that for the court to becloud the issue would put the state of New Jersey and Trenton also on trial. He objected to the race issue on the grounds that it had no place in a court of justice.

Long Testimony

Lt. Andrew F. Delate, who was the chief figure in getting the "confessions" from Collis English, Ralph Cooper, McKinley Forrest, John MacKenzie, and James Thorne, ended his third day on the stand Friday, his story unshaken that the confessions were not gotten after the men had been given dope and other aids. He was scheduled to return to the stand Monday at 10 a. m.

All last week, the jury was on an extended recess, and will not return until Judge Smalley has decided on the question of law as to whether the confessions shall be admissable as evidence in the retrial. They were the major part in the conviction of the men in the 1948 trial.

The case has been going on since March 5, and it is expected to take at least two more weeks, both sides agree.

GLAMOUR IN A COURTROOM:

Jo Baker 'Stops' Case in Trenton, Cheers 6

By RALPH H. JONEES

TRENTON — Glamorous Josephine Baker practically stopped the Trenton Six murder trial Friday at 3 p.m., when she made an unexpected appearance in the courtroom between shows at the Earle Theatre in Philadelphia.

Without warning, "the toast of Paris" quietly walked in and took a seat on the front row reserved for lawyers.

About 15 newspapermen at the press table spotted her and in minutes the court room was buzzing.

I had been called to the corridor by Samuel Dorsey, investigator in the presecutor's office, and informed that Miss Baker was coming up.

Greeted by Attendant

As she stepped from the elevator, Mrs. Florence Adams, the only colored court attendant at Superior Court where the trial is being held, exclaimed:

"Oh. how nice of you to come see the boys, Miss Baker."

The international dancer was as excited as a child at a circus.

Alexander Informs Judge

Raymond Pace Alexander, one of the defense attorneys', informed of Miss Baker's arrival, rushed from the court to greet her. He last saw her in Copenhagen.

He immediately sent word to Judge Ralph J. Smalley that Miss Baker would ike the indulgence of the court to speak to the six defendants.

udge Smaley recessed court for 10 minutes and the prisoners were taken to their detention room next to the jurist's chamber.

Cheers 6; Leaves in Tears

Miss Baker went in, shook the hands of each defendant, and told them to keep hoping and praying because the eyes of the world were upon their trial.

Reporters and spectators were barred from the room. Tears were in her eyes as she left them.

What She Wore

Miss Baker wore a black, form-fitting coat; black dress with a small kelly-green scarf; an ear enclosing close-fitting brown fur-trimmed back toque on her head, black shoes and sheer nylon stockings.

She arrived during a torrential downpour of the day-long rain storm.

Reporters elbowed through the crowd which had come out of the court and steered Miss Baker into the ante-room used by defense counsel and there interviewed her.

To Call on Governor

Said La Baker:

"At this time the eyes of the world are upon America. This must be stopped! This must be stopped! This must be stopped! I am going to call on Governor Driscoll"

Looking pointedly first at me, one of the five or six colored reporters covering the Trenton Six case, and then at the white reporters, she continued:

"I am gald to see you reporters working together in a cause like this."

Answers Scribe in French

Further remarks by Miss Baker were interrupted by Mr. Ruben, a white reporter, who addressed a question to her in French.

In rapid-fire manner Miss Baker replied, but before another question could be put by him, Mr. Alexander reminded her that she had to get her train if she were to make her next show.

She and the three people with her were placed into a waiting elevator and whisked down to the street floor.

Glamrous Day in Court

It had been a glamourous day for the Trenton Six. One of the defendants, John McKenzie, a war veteran who saw Miss Baker entertain while he was hospitalized during World War II said:

"We all got a great lift out of seeing Miss Josephine Baker. She gave us great cheer and hope in this case.

Prisoners Happy

"We are happy to know she and other fine people, prominent in the life of our country-here and abroad are interested in our case.

"I, personally, got a very great personal lift because I saw her sing and act for American, French and English troops where I was quartered at the 19th Army Hospital Base in Le Main during the war."

Miss Alexander Also Visits

ust two hours previously the "Six" had gotten a thrill out of seeing and nodding to Miss Mary Elizabeth Alexander, eldest daughter of one of their defense counsel.

Miss Alexander, a student at Putney School in Vermont, had come to see her father in action during the trial.

She looked charming in a tan skirt, brown blouse, reddish brown shoes and bag, green and brown neckerchief and ear bobs. Her hair was attractively bobbed.

She smiled warmly at the boys while they awaited the return of Judge Smalley from his luncheon recess.

State's Witnesses 'Hazy'

Case for 'Trenton Six' Strengthened

TRENTON—Late last week at the trial of the "Trenton Six," evidence was introduced that contradicted the testimony of Mrs. Elizabeth Horner, 62, who was the common-law wife of the man for whose murder the accused six are being retried. Earlier in the week she had "identified" four of the accused men.

Previously she had not been able to identify any of the six until the time of the first trial in 1948, at which they were convicted and senetnced to die in the electric chair. She admitted inability to properly point out the six accused as the slayers of William Horner, 72-year-old junk man, who was bludgeoned in his store at the same time that Mrs. Horner was brutally beaten.

Also at odds with defense assertions was the police identification of the car in which the suspects are said to have driven away. For several days after the six men had been arrested, police were broadcasting the car as a blue-green four-door sedan. This was amended by the prosecution to a black two-door Ford, a type of car owned by the father of one of the defendants.

Also at variance is the description of two men seen coming from the store after Mrs. Horner set up an alarm. This was given by a cigar salesman. The discrepancies in identification of the men and the car are taken to weigh heavily in favor of the accused by their lawyers, who have been retained by the NAACP, and headed by Raymond Pace Alexander of Philadelphia. Associated with him are J. Mercer Burrell of Newark and Clifford R. Moore of Trenton.

Prayer of Thanks—Defense lawyers and three of the four of the "Trenton Six" who were acquitted of a 1948 slaying charge last week at the end of a 104-day trial in New Jersey, are shown here in an attitude of prayerful thanks. The trial attracted world-wide attention. Left to right: Atty. Raymond Pace Alexander, James Thorpe (one of the accused); Atty. Clifford R. Moore, Horace Wilson (another of the accused); John McKenzie (an accused), and Atty. J. Mercer Burrell. — INS Photo.

Expect Trenton Six Decision This Week

By RALPH H. JONES

TRENTON—Only summations by the defense and prosecutor, and Judge Ralph J. Smalley's charge to the Trenton Six jury now stands between a verdict.

Exactly 70 days of trial procedure was used before this phase was reached last Friday.

Sometime Wednesday, 12 of the 14 jurors who have listened to how 72-year-old William Horner was killed on Jan. 27, 1948, in his 213 N. Broad St. second-hand furniture store, will pass judgment upon the six men accused of the robbery-murder.

Directed Verdicts Sought

Through motions made by ex-Judge George Pellettieri, Raymond Pace Alexander and ex-judge Frank Katzenbach Friday, the issues were clearly defined. With the jury out, the defense offered several motions urging the court to render judgments of acquitals.

In substance, they said that Ralph Cooper, Collis English, John McKenzie, McKinley Forrest, James Thorpe and Horace Wilson should be given their freedom, now, because the evidence thusfar presented by the State is too defective, too weak and insufficient to warrant a conviction.

Judges Pellettieri and Katzenback both contended in their arguments that the corpus delicti (body of the crime) namely the robbery-murder, had not been proved by the State.

Say Men's Rights Abridged

Both pointed to the violation of the 14th Amendment of the U.S. Constitution in the securing of the written and oral statements comprising the super-structure of the case against the defendants.

"This jury should not be permitted to guess these defendants into eternity," Mr. Alexander said in pressing his claim for an acquittal judgment.

Various points of conflict in the State's case were cited and the testimony of the psychiatrists were compared to bolster the pleas.

Judge Smalley denied all the motions requesting judgments of acquittals and immediately asked defense counsel to indicate when their summations would be given and the amount of time needed.

Mr. Katzenbach, Mr. Pellettieri and Mr. Alexander will summarize the defense cases for their respective clients all day Monday and during the night session of that day.

Jury May Get Case Wednesday

Prosecutor Mario Volpe will require all of Tuesday to make his summary. Judge Smalley has indicated he will require about four hours on Wednesday.

Lots will be drawn for the dropping of the two extra jurors, as required by New Jersey law, and the case be turned over to the jury for its findings as to the guilt or innocence of the six defendants.

At this the end of the defense of the Trenton Six, the work of those who have built up a good defense can now be shown. The above mentioned defense lawyers have gotten day-by-day recognition, but behind the scenes others were working dilligently.

Burrell's Work Cited

J. Mercer Burrell, NAACP counsel, not only assisted in the courtroom presentation of some phases of the defense, but also aided in the legal research and preparation of witnesses.

Clifford Moore, another NAACP lawyer and board member of the Trenton branch, served largely as a legal researcher. He is a former Army captain with three citations for bravery.

Miss Ruth Rabstein, a law associate of Mr. Pellettieri, was another of the legal researchers. She also prepared arguments for defense counsel and prepared witnesses. She is a member of the board of directors of the Trenton NAACP and lawyers advisory committee of the American Jewish Congress of New Jersey.

Jack Shelden, radio commentator, served as special investigator for Mr. Pellettieri. Many Trenton white citizens verbally chastized him for his efforts in behalf of the defendants.

Joseph L. Burtchaell, former Army Intelligence enlistee and a lawyer, was the chief investigator for all defense counsel.

Officials of the Trenton NAACP were forced to call attention of police to activities of some unidentified persons collecting money, allegedly for the Trenton Six, Thursday night.

I observed a caravan of three automobiles moving slowly through Willow St., a section largely peopled by us, between 7 and 8 p.m. on that day.

Among some of the crudely penciled signs on one of the three cars was an inscription announcing that "The pop bottle has exploded. The Trenton Six are convicted."

Periodically, the automobile caravan, containing racially mixed occupants, stopped. Pleas were made and hats passed for contributions among people who gathered to hear the lying statements about the Trenton Six being already convicted.

Not Officially Authorized

Neither the NAACP or the Princeton Committee to Free the Trenton Six, the supporting defense groups, had authorized collection of money in this fashion. At no time was the organization collecting this money mentioned in my hearing.

I immediately got in touch with one of the local NAACP officers, who does not desire to have his name disclosed, and he telephoned the chief of police, notifying him of the fraud being practiced upon the Trenton citizens.

Opinion is divided among Trenton citizens, regardless of race, as to the chances the six defendants will have of being acquitted. It was commonly agreed, however, that Judge Smalley, in refusing to grant judgments of acquittals for some of the accused, enhanced the chances of all six.

Reason given is that if Judge Smalley had freed some of the six, the jury might conclude that the others were guilty and quickly find them quilty.

The State is asking the electric chair for all six.

Houston Boy Gets Stay Of Execution In New Mexico Killing

HOUSTON — A Houston white woman, last week, sought aid through the **Informer** newspapers for Burness Neal, Negro youth, formerly of Houston, who is scheduled to die November 1, in Lee County, New Mexico, for the murder of a white woman taxicab driver.

The white woman was moved to do all she can for Neal because of recent evidence that can prove his innocence, if true, she told the **Informer**. The evidence is a reported "death bed" confession made to New Mexico Authorities by Neal's wife that her brother and not her husband killed the cab driver.

The white woman's name is being withheld, along with that of Neal's mother because of recent "unpleasant" experiences the mother underwent when she tried to raise funds to finance her son's defense.

The confession was made by Mrs. Neal August 1, while she was in a hospital, thinking she might not live. It allegedly shows that her husband did not kill Mrs. Clara Gallemore, the taxi driver, and allegedly named Johnnie King, Mrs. Neal's brother as the slayer.

Neal's execution had been set for September 14, but on the basis of this new evidence, Neal's attorneys, J. S. McCall and S. Morton Rutherford, filed motion, asking a stay of execution and a 45-day extension period to complete the appeal. In a surprise move the attorneys also filed a motion for a new trial on the basis of the new evidence.

Judge C. Ray Anderson, Lee County District judge, signed an order staying the execution until November 1, to give Neal's attorneys time to perfect Neal's appeal to the Supreme Court.

The white woman in Houston, for whom Neal's mother works, told the **Informer** that she had known the now 21-year-old youth since he "was a little lad in khaki pants."

"He was always a nice little boy and his mother kept him neat and clean... I used to love to see him wear his little khaki pants." she said. Her appeal is for contributions to help defray the expenses of the appeal.

Neal's mother tried to raise funds through the local branch of the National Association for the Advancement of Colored People last February. She said that Houstonians just did not respond, and with heart-ache reflected through tears at the time she was in the Informer office, she said she had done everything she could.

"I have turned everything over into the hands of the Lord, and I know He has taken over because I had no idea that Mrs. ..... was talking to the **Informer** until she called me to ask me something about the case while she was talking... My first thought was to stop her, but then I remembered I had turned everything over to God."

Neal's mother said that her daughter-in-law had written her that the daughter-in-law's brother, Johnnie King, and not Neal had killed the cab driver. She said that Mrs. Neal told her that the reason the brother had not been exposed before was because he had threatened to kill Mrs. Neal if she told.

According to Mrs. Neal's story, her brother dressed in her husband's clothing the night of the slaying. After the slaying the brother hid the blood-stained clothing under the Neal residence where investigating officers discovered them. Neal was arrested and later signed a confession his attorneys allege was made under duress because of the overwhelming circumstantial evidence against him.

When Neal's mother made her plea to the local NAACP Mrs. C. V. Adair, executive secretary, referred the case to the legal redress committee, with Attorney Herman Wright as chairman. It developed that the legal redress chairman, after studying the case, recommended that it was not a case for the Houston branch to handle, Mrs. Adair said.

However, Attorney Ben Ramey of Houston was retained by Neal's mother at a total cost of $1,500 which was needed to get an appeal through. Neal's mother set out to raise the money through public support and Sunday told the **Informer** she got a little over $200 in Houston, "And then the people just stopped giving anything."

In an off the record statement to the **Informer** Mrs. Adair said she had hoped that the Houston branch could spearhead the defense fund drive for Neal because of the fact that he is a Houston boy and of the fact that Neal's mother is a member of the local branch.

Neal's mother, a slight woman of about 40, is a widow without support other than her job with the white woman. She reared Neal and an older son alone, she told the **Informer**.

Neal had no money after returning from service with the Armed Forces and had not had opportunity to make the required amount needed in his appeal before the slaying was committed. He went to El Paso, Texas after returning from services, where he met and married his wife. The couple had a baby born in March of this year.

Mrs. Neal's confession was made on August 1, at 4 p.m. before attorneys McCall and Rutherford, Richard H. Robinson, assistant district attorney, Sheriff's Deputy Bill Blake, and two stenographers, Marion Rockwell and Olga Robinson.

The reports on the circumstances under which the confession was made were that Mrs. Neal, who had to choose between brother and husband, made the confession "in the nature of a dying declaration." She is now out of the hospital, living in Carlsbad.

The Carlsbad branch of the NAACP is raising money also and, according to a letter from its president to Neal's mother, has written the Houston branch for cooperation.

The Carlsbad Current - Argus reported the latest developments as follows:

"District Judge C. Roy Anderson today signed an order staying execution of Bruness Neal from September 14 to November 1, to enable Neal's attorney to perfect his appeal to the State Supreme Court.

The judge acted on a motion filed yesterday afternoon by J. S. McCall and S. Morton Rutherford, defense counsel, asking a stay of execution and a 45-day extension period to complete the appeal.

In a surprise move, Rutherford and McCall yesterday afternoon also filed a motion for a new trial on the grounds that Neal's wife made a statement August 1, allegedly showing her husband did not kill Mrs. Clara Gallemore, and allegedly naming the murderer as King, brother of Mrs. Neal.

Anderson tentatively set August 31 as date for a hearing on the motion for a new trial.

Neal, 20-year-old Negro, was sentenced by Anderson June 20 to death by electrocution. The judge pronounced sentence after a Lea County district court jury on May 26 convicted Neal of first degree murder, without recommendation of life imprisonment.

The Lea County jury found Neal guilty of fatally shooting Mrs. Gallemore, Carlsbad taxi driver and mother of three children, last December 7. at the city dump grounds.

The motion for a new trial related these circumstances: Beatrice Neal, the convicted man's wife, was ill in Memorial Hospital and notified McCall that she wished to make wished to make a statement "in the nature of a dying declaration". (She is now out of the hospital and living in Carlsbad.)

On August 1, at the hospital, at about 4 p.m. McCall and Rutherford, Richard H. Robinson, assistant district attorney, Sheriff's Deputy Bill Blake, and two stenographers; Marion Rockwell and Olga Robinson, were present when Mrs. Neal made a statement "under fear of imminent death" which the motion contends will show that Neal did not commit the crime.

The motion says that Johnnie King, her brother, killed Clara Gallemore deceased, "and wore the clothes which the State attempted to show were worn by the defendant, Burness Neal, at the time and place of the shooting, and further that the defendant Burness Neal, did not kill said Clara Gallemore."

Mrs. Neal did not come forward to her husband's attorneys or to the court at the time of the trial because of fear she would be killed by her brother, King, who has threatened her, according to the motion.

In perfecting the appeal to the high court, Neal's attorneys had 90 days from the day the appeal was granted by Anderson, June 20. They stated in their motion for a stay of execution and extension of time, that the defendant wouldn't be able to perfect his appeal by September 20, expiration of the 90 day period, because the transcription of the trial proceedings apparently will not be ready until October 1.

Rutherford and McCall, appointed by the court as Neal's counsel, listed four reasons in their motion for a new trial. In addition to the statement by Mrs. Neal, one reason cited was a contention by Neal's counsel that the court erred in admitting a purported confession of Neal.

PLANS ARE BEING MADE FOR THE RETURN OF CPL. HAROLD L. HAMILTON, son of Mr. and Mrs. Lewis Hamilton, 2350 Washington Blvd. Cpl. Hamilton is a graduate of Charlton-Pollard High School. Before entering the U. S. Army, he was a photographer for the Beaumont Artcraft Studio. At present Cpl. Hamilton is in Korea with the Airforce Division and expects to be honorably discharged early this fall.

13c 1951

New York

Aroused Over GI's Slaying

NEW YORK—Harlem arose as one this week to force an indictment of the two policemen who shot and killed ex-GI John Derrick, twenty-four hours after he had been honorably discharged from the Army after seven years' service.

Charges and counter-charges are being weighed by Mayor [illegible] Impelleteri and Police Commissioner Thomas Murphy, who last week promised a "most thorough investigation."

A mammoth audience is expected on Friday night to protest and demand indictment at a mass meeting at the refuge Temple, 125th Street and Seventh Avenue when nearly every social, civic, religious and political leader of Harlem will be heard.

The ex-soldier was slain Thursday, Dec. 7, as he was celebrating his discharge with two friends. The two witnesses said that they and Derrick were commanded to halt by two officers in a radio patrol car manned by Patrolmen Basil Minakotis and Louis Palumba, who asked them to put up their hands.

POLICE "FIND" GUN

The cops, Derrick's friend said, fired two bullets at Derrick. According to police, Derrick reached for a gun before they fired. The gun was not immediately found. One cop went off and returned twenty minutes later and "found" the gun on Derrick's body.

Another question that has incensed citizens of this community is what happened to the $3,000 it was claimed Derrick had with him when he was slain. The money is supposed to have represented the GIs back pay from the Army.

Only $57 was found on the body when it was searched. Derrick's father, Henry Derrick, 65, revealed this week that his son had told him he was going to buy the family a home in Augusta, Ga., the Derricks home town.

TWELVE IN FAMILY

There are twelve Derrick children and the family head is employed at $25 a week. The Amsterdam News (New York Weekly) paid for the shipment of the body to Augusta and the local branch, NAACP, stood expenses of the funeral.

The mass meeting Friday is being guided by the local NAACP and among those who will speak are Rep. Adam Clayton Powell, Bishop R. C. Powell, Walter White, A. Philip Randolph, the Rev. James H. Robinson, Lester Granger;

Councilman Earl Brown, Assemblyman Elijah Crump, Mgrs. Cornelius Dres, Jackie Robinson, Ray Robinson, Roy Campanella, Sen. Harold Pankin, Rep. Jacob R. Javits, the Rev. C. Y. Trigg, Dr. Channing H. Tobias, Sen. Sol Zuretsky, Mrs. Maida Springer and Mrs. Rachael Carrother.

Harlem Warns Killer Police to Get Out

Mass Meeting Gives Mayor Only 24 Hours

3,000 ASSEMBLE

Crowd Threatens 2 Slayers of Veteran

NEW YORK, N.Y. — With the community of Harlem teetering dangerously on the brink of a race riot, twelve distinguished Harlem leaders issued an ultimatum to the mayor and police commissioner demanding that they remove two policemen within 24 hours or be ready to accept the blame for any rioting which they believed would follow.

The ultimatum, sent in the form of a telegram to Mayor Vincent Impellitteri and Police Commissioner Thomas J. Murphy, was signed by Congressman Adam C. Powell, Democrat, City Councilman Earl Brown, State Assemblyman Elijah L. Crump, Hulan Jack, Harold L. Lanken, State Senator Joseph Zaretski; Harlem Democratic leaders Joe Ford and Cecil Carter and Joseph Pinchney and Republican Leaders Harold Burton and William Cornelius.

It demanded that the mayor and the police commissioner remove from the streets of Harlem, Patrolmen Basil Minakotis and Louis Palumbo of the West 123rd Street Precinct, who allegedly shot down John Derrick, a medically discharged colored veteran on December 7 while he stood with his hands raised in compliance with their instructions to submit to arrest.

The ultimatum followed by one day a mass meeting held in Harlem on Friday night under the auspices of the NAACP which was attended by more than 3,000 Harlemites.

They heard three eyewitnesses to the shooting testify that the veteran had been shot down in cold blood. The policemen claimed Derrick tried to draw a gun when accosted.

At that meeting the audience heard indignant addresses on police brutality from NAACP Secretary Walter White; Urban League director Lester Granger, Congressmen Powell and Javits, Assemblymen Crump and Jack and 65-year-old Henry Derrick, father of the slain veteran.

Assemblyman Crump who has previously demanded the dismissal from the police force of the two men, accused inspector Boylan of the 23rd precinct of the Harlem Community of keeping them on their old beat while the sentiment is so high against them in the community.

Crump pointed out the fact that a few days ago when a police man was accused of beating a white youth the police department took immediate action.

Community Rallies

This community, usually split in many different ways, showed a surprising unanimity in its anger over the Derrick case, and the concern of the leaders over the possibility of a riot was well founded and genuine.

All over the community last Saturday and Sunday small groups huddled together to discuss the case. Ministers referred to it in their Sunday sermons and more than one white policeman was jeered and taunted by threats from groups.

It was also reported, though not confirmed, that a group had approached Congressman Powell and told him, following the meeting, that they would kill the two policemen "before the week is out."

Mr. Powell is said also to have called on the FBI to look into the case with regards to the civil rights of Derrick.

Those making the threats are reported to be members of the "Black Brothers," an organization reputedly out to avenge themselves on enemies of colored people.

The telegram sent to the Mayor demanded that a colored man be made a deputy police commissioner and placed in Harlem and that a colored man be made a police captain and also stationed in Harlem. New York has no colored police captains.

$100,000 Civil Suit Brought Against New York Policemen

NEW YORK —(ANP) Two white policemen and the city of New York were named as defendants in a $100,000 civil suit, opening in state supreme court here Friday, by John Harvey Brown, 31-year-old factory worker who charged that the two officers attacked and brutally beat him on Sept. 2, 19[illegible].

[illegible] suffered a fractured skull as a result of the beating that he sustained a permanent paralysis of the left side of his face, defected hearing in the left ear and must wear a metal plate in his head for the rest of his life. The two officers, Patrolmen John Tyson and Jerry E. Hogan were off-duty and were coming out of a tavern where they had been drinking.

The victim said he was on his way to work early that morning and passed by Tony's Bar and Grill. He saw two men coming out, talking and laughing. They told him to "get your hands up." As he raised his hands, one walked in front and pointed a gun at him.

"They made me clean out my pockets and made me take out 80 cents in change and lay it on the street. The other fellow got in back of me and the one in front said, 'let him run and I will plug him'.

"The one in back said, 'I'll let let the SOB have it while runs.' 'No, across the head with a gun."

"The one in front then hit me achoss the head with a gun."

Brown awoke four days later in Bellevue hospital. Supporting witnesses said they saw the policemen standing over Brown, who was sprawled on the ground with blood streaming out of his head. One witness said he followed the two officers and saw them drag the unconscious man a distance of four blocks to the police station where he was booked on a disorderly conduct charge.

Both officers denied they were drunk or that the attack was unprovoked. They said they had been drinking, but claimed they heard two women screaming and saw Brown running out of an enclosure and crossing the street. They said that as they tried to stop him, Brown came up with a knife.

Records show that Brown was arrested, a half hour later taken to Beekman hospital and then transferred to Bellevue. He was discharged 17 days later and brought into magistrates court. The disorderly conduct charges were dismissed.

Nab Suspect In Harlem's Cop Shooting

Police announced this week that Cornelius Ross, 26, of 306 W. 117th St. had been arrested as a suspect in the shooting of Detective Thomas Galligan who was critically wounded when a holdup man resisted arrest in a bakery at Eighth Ave. and 145th St.

Ross, described as a dope addict by police, was picked up at home last Thursday, 48 hours after the shooting. Detective James Harding nabbed the accused holdup man.

Easily Located

According to detectives assigned to the case, Ross was easily located because when he fled the scene of the attempted robbery he dropped a topcoat containing his billfold. Armed with all that, Harding just waited around until Ross returned home.

Detective Galligan, 33, is believed to be recovering in Lutheran Hospital. His partner, Vincent Murphy, absolved the taxicab driver who unknowingly sped away with Ross as a passenger. In checking with the cabbie, Murphy said, it was learned that the holdup man had been shoved out of the taxicab when the driver became suspicious.

Pending action of the grand jury, Ross is being held without bail on charges of felonious assault and attempted robbery.

SLAYING IN HARLEM UNDER U. S. INQUIRY

Federal Grand Jury Is Sifting Shooting of Negro Veteran by 2 City Policemen

A civil rights inquiry similar to Justice Department investigations of Southern lynchings was begun yesterday by a federal grand jury investigating the fatal shooting in Harlem of a Negro veteran by two city policemen on radio patrol.

The veteran, John H. Derrick, 24 years old, was shot dead last Dec. 7 at Eighth Avenue and 119th Street as he was celebrating his release from the Army.

Patrolmen Louis Palumbo and Basil Minnakakis later told a New York County grand jury that Mr. Derrick and two companions were acting suspiciously. The policemen ordered the three to approach their radio car with hands raised. The two companians complied, they said, but Mr. Derrick drew a pistol. Two shots were fired from the radio car, Mr. Derrick being killed.

After investigating the shooting the county grand jury reported last February that there was "no basis for an indictment."

Representative Adam Clayton Powell of Harlem asked both the Justice Department and the Federal Bureau of Investigation to look into the shooting. The investigation was completed a few days ago, Mr. Powell reported. He was the second witness before the Federal grand jury yesterday.

Mr. Powell said he had instigated the investigation of possible violation of civil liberties on two points. The first, he said, was that Mr. Derrick was reported to have had $2,000 on his person. However, when his body was searched, no money was found, he declared.

The second point, he said, was that the first search of Mr. Derrick's body showed that he did not have any pistol. Mr. Powell said that when the body was searched the second time a weapon was found. He charged that the .32-caliber revolver was "planted" on the victim.

Jailed in Fatal Stabbing of Fort Bragg Sergeant

13c N.C.

FAYETTEVILLE, N.C. — Arrested 60 miles away several hours after the fatal beating and stabbing of Sgt. Hubert Melvin Haney, 32, white, William Hostler, 22, of Bonnie Doone, Route 4, near here, is being held as a murder suspect.

Sergeant Haney's body was found in a rear bedroom of his small dwelling a short time after his wife reported an intruder had driven her from the home around 2 o'clock in the morning Thursday ,Sept. 20.

Rockingham police, three hours later, arrested Hostler, who was returned to Fayetteville and held on an open charge pending further investigation.

Deputy Sheriff E. W. Jackson of Cumberland County said the killer entered an unlocked rear door of the four-room house at Bonnie Doone, between Fayetteville and Fort Bragg.

He struck the sleeping sergeant across the right side of the head with a rifle barrel. The blow fractured the soldier's skull. The intruder then stabbed the stricken man twice in the left side. The stock of the broken rifle was left near the body.

Stole, Then Abandoned Car

The killer, hearing Mrs. Haney approaching in the darkness from a front bedroom where she slept with the two Haney children, 5 and 4, chased her from the home. The sergeant's wallet and key case were removed from his trouser pockets and the killer drove off in the Haney car.

Haney's car was found in a cotton field five miles south of Raeford. Deputy Jackson said officers have evidence that Hostler rode a bus from a point near the abandoned car to Laurinburg.

Taxi Driver Archie D. Locklear reported that he picked up Hostler at Laurinburg and took him to Rockingham. He said he was suspicious of Hostler's indecision as to where he wanted him to take him, so he turned Hostler over to police.

The dead sergeant, 11-year Army veteran and a native of Cartersville, Ga., was attached to Battery B, 449th Field Artillery Observation Battalion, at nearby Fort Bragg.

NEARING COMPLETION

ST. LOUIS — (ANP) — The new Breckenridge Hills homes constructed here on land that has been owned and occupied by a colored family since 1880 are near completion.

Farmer Charged With Slaying Negro Tobacco Worker Who Refused to Give Seat to Whites

Courier Pat. 11-10-51

By A. M. RIVERA JR.

WENTWORTH, N. C.—Marvin McMichael, 54, white Rockingham County farmer, was scheduled to be tried here early this week for the murder of a Negro tenant farmer who refused to take a back seat in a tobacco barn here Sept. 8.

In one of the most bizarre incidents of segregation to be reported in this section, Thomas Morehead, 24, father of four, died in a Reidsville Hospital from the results of blows inflicted by his employer, McMichael, when he refused to give up his seat near the front of the tobacco barn to a white couple.

The victim's wife, Mary, 20, an eye-witness to the tragedy, related to the Courier here last week, the incidents of the case of segregation which led up to the crime.

HAD HEATED WORDS

According to Mrs. Morehead, she and her husband were stripping tobacco in one of McMichael's barns around 8 o'clock, Sept. 8, when he demanded that they give up their seats in the front of the barn to a white tenant couple.

Morehead flatly refused, reminding McMichael that they had been using the seats for the past two or three years during their employment with him.

After Morehead and McMichael had exchanged words in a brief, but heated argument, Morehead went to the back of the barn where he was poking around when McMichael came up from behind and struck him on the head with two large oak tobacco sticks.

SKULL FRACTURED

The blows, which fell behind Morehead's right ear, knocked him to the floor of the barn, but left him conscious. His wife helped him up and they walked about 400 yards to the Morehead home.

Mrs. Morehead stated that she then called an ambulance which took her husband to the Ann Penn Memorial Hospital where he died about 1:30.

Report of an autopsy, performed by Dr. E. H. Lemon, Greensboro medical expert, showed that Morehead's death was caused by skull fracture hemorrhage, resulting from the blows inflicted by McMichael. The autopsy report also showed that the direction of the blows indicated that the victim's back was turned when the attack occurred.

ACCUSED ON BOND

McMichael, charged with first degree murder, has been released from the Rockingham County Jail on $5,000 bond to await his trial.

Courier

Durham Atty. M. Hugh Thompson, assisting Solicitor R. F. Scott in prosecution of the defendant, expressed the opinion here last week that in consideration of the South's notorious double-standard of justice, the maximum penalty which the prosecution could hope to get from the Rockingham jury would be manslaughter.

Under North Carolina statutes, manslaughter is the least degree of murder.

Pat. 11-10-51

CITIZENS AROUSED

Thompson also stated that aroused citizens of this small tobacco farming community are helping to finance prosecution of McMichael.

His trial was scheduled to begin before Rockingham County Superior Court Judge J. A. Rousseana on Nov. 5.

Morehead is survived by his widow, four children, Percy Lee, 16 months; Mary Alice, 2; James Edward, 3, and Willie Thomas, 5, and his mother.

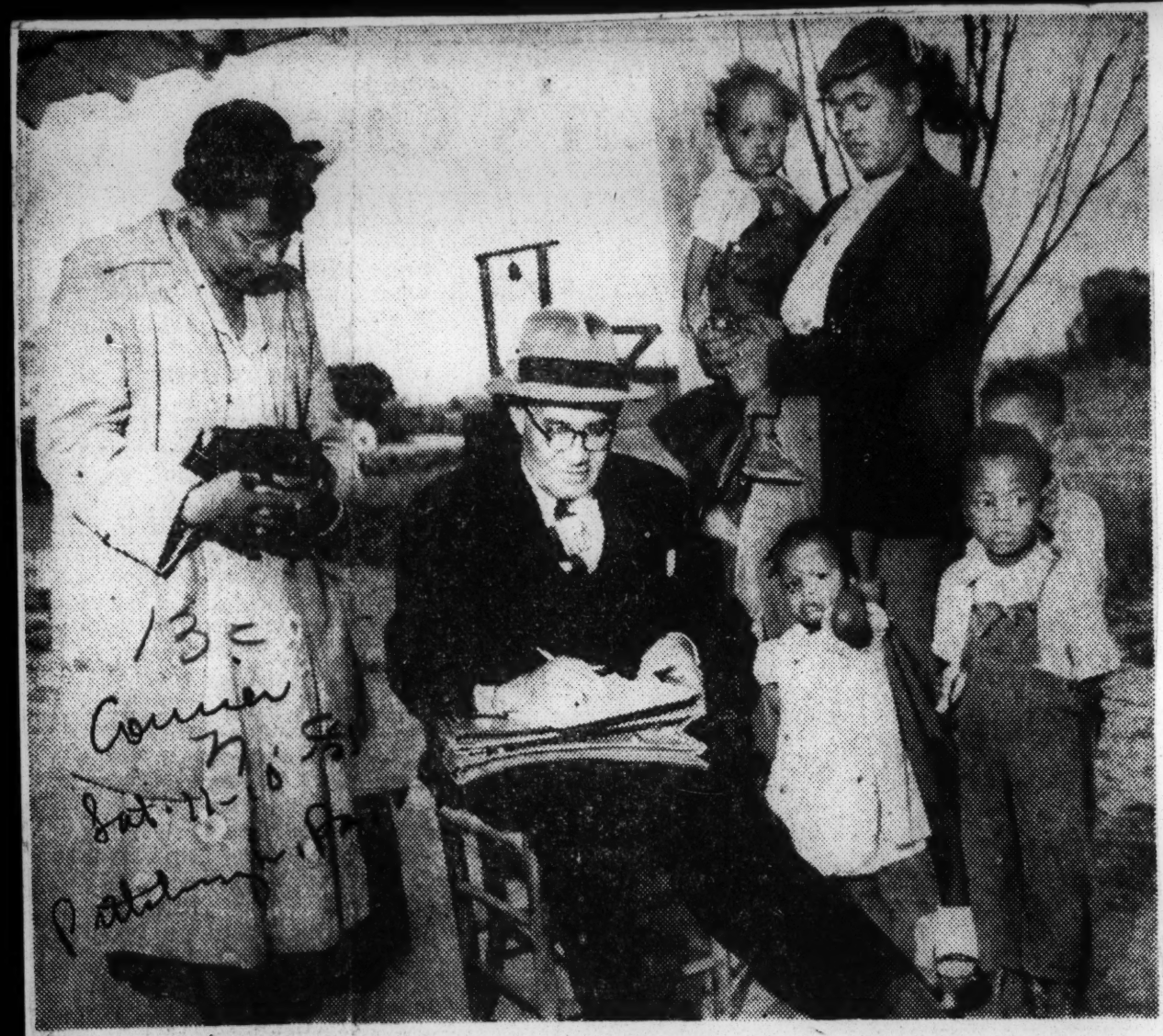
Head Bashed In

Tenant's Slayer Up for Murder

Courier Pat. 11-10-51

Durham, N.C.

Victim's Wife—Mrs. Mary Morehead, young widow of Thomas Morehead, who was killed by Marvin McMichael, white, Rockingham (N. C.) County farmer, shows Atty. Hugh Thompson two oak tobacco sticks similar to the ones used by the white farmer to strike her husband in the head and kill him last September.



Moreheads and Lawyer—

M. Hugh Thompson, Durham lawyer, is here interviewing Mrs. Mary Morehead, 20 (right), widow of Thomas, 25, killed last Sep. 8. by an angry white farmer at his place near Wentworth, N. C. The brood is Mrs. Morehead's four children, the youngest of whom is 16 months. Standing, front, Mary Alice, 2; James Edward, 3, and hiding is Willie Thomas, 5. Percy Lee is held by Mrs. Morehead.—Rivera Photo.

N. C. Farmer, 36, Indicted in Killing

NEW BERN, N.C. — Release on bond for Newton Hanes, 36, gentleman farmer and scion of a wealthy textile manufacturing family, indiced in the murder of Ishmael Simmons, 40, tenant farm worker, is still being sought by his attorneys.

Hanes has been held without bond since his indictment by a grand jury Nov. 5. He was arrested several hours after the body of Simmons, an employee on his farm, was found in the slain man's car with two gunshot wounds in the head.

The car containing the body was found on a roadside near here. No motive for the killing has been established.

According to Sheriff Charles Berry, Hanes had been seen near the abandoned car. He added that he found blood on the porch at the Hanes home and several articles of clothing belonging to Simmons in Hanes's station wagon.

Killing by Socialite's Son Stirs

Creates 'Class War'; Church Groups Aid Slayer's Prosecution

13c Pa

PHILADELPHIA—Bullets fired into the body of Louis (Jakie) Rice by Theodore (Mickey) Spaulding, son of Atty. Theodore Spaulding who ran for Congress on the Republican ticket in the last primary, set off startling developments since Rice fell mortally slain. The tragedy has created a "class war" within the Negro group, with defense attorney Raymond Pace Alexander threatened with engulfment, and at least three church groups are raising funds to help prosecute the young socialite-slayer. Rice had one of the biggest and most spectacular funerals in local history.

Veteran observers contend that nothing in recent years has divided the so-called "masses" against so-called "classes" of Negro Philadelphia as the Spaulding-Rice tragedy. Throughout the city where small or large groups are engaged in conversation, the slaying has been the key point of discussion. And in almost every instance the discussion invariably shifted to "class" against "class" rather than the confinement of the discussion to the individuals involved.

The "masses" are apparently attempting to drag what are considered "upper class Negroes" in for condemnation.

Even Atty. Raymond Pace Alexander, who acted as defense counsel at the preliminary hearing, has been criticized and politically threatened for doing his duty as a lawyer. This is the same Raymond Pace Alexander who a few weeks ago was being lauded from the housetops by Negroes and liberals for his defense of the "Trenton Six."

At the initial hearing for young Spaulding, held last Wednesday in Municipal Court before Judge Edward Kelly, there was only one witness for the prosecution, beside Rice's mother, Mrs. Edna Green, who identified Rice's body. This witness was Detective Dennie McColgan of the Homicide Squad.

Detective McColgan testified that when he appeared on the scene at 2041 Master Street shortly after the shooting of Rice, the body of the victim was lying on the floor of the room adjacent to young Spaulding's room, with his face up, his eyes gazing at the ceiling. There was a bullet hole in his chest and he had been pronounced dead by Dr. Norman Lee, a neighbor of the Spauldings.

Detective McColgan said that he immediately questioned Spaulding, after which he made a personal investigation of the premises. He testified that Spaulding had made a written statement after he had questioned him.

The substance of Spaulding's statement was that, at about 9 A. M. on the morning of the fatal shooting. Spaulding was lying in bed and Rice came into his room, pulled the covers from him, placed his hands on his person and made an improper request.

JUMPED FROM BED

Spaulding said he jumped up from the bed and told him, 'Get out of here, and don't try that again!" Spaulding, shortly afterwards, was told to get dressed by his grandfather, Joseph Trent, so that he could drive him to the Spaulding's new home on Hortter Street, in Germantown.

Spaulding testified he returned to the home on Master Street with his grandfather at about 11:30 and went up to his room, where he began packing his bags, preparatory to leaving for Atlantic City. While in the midst of this preparation, Rice again came in his room and allegedly grabbed hold of Spaulding, and told him that he had $200 he would give him if he would submit to his request. Spaulding said he told him "no," but Rice kept advancing toward him.

It was then, McColgan continued, that Spaulding pulled the revolver out of a drawer and fired the fatal shot. After being shot, Rice turned and walked toward the hall, but after a few paces, he fell to the floor, dying.

DREW THE GUN

Detective McColgan testified that young Spaulding told him that he did not know that the gun was loaded, and that he drew the gun to frighten Rice away.

Detective McColgan then testified that Mr. Trent explained to him how the pistol happened to be in the drawer. Trent stated, according to McColgan, that he had had the pistol for twenty years and that it had always been in another drawer in his, Trent's room.

Trent said that he had sold the wardrobe in which the gun had been lying just the day before, preparatory to moving to Hortter Street, and nad thrown the gun into the drawer in the presence of young Spaulding.

Judge Kelly held Spaulding without bail to await the action of the coroner. Bail was later fixed at $2,000 by Judge Frank Smith. The bail was entered by W. C. Wingate.

LARGEST FUNERAL

The Rice layout and funeral was one of the largest of any Negro in recent years. It is estimated that 10,000 persons passed his bier.

There was a steady stream of mourners and curious onlookers all through Wednesday afternoon, evening and even all through the night. This line was broken only by the formal ceremonies of preaching and singing. Upwards of 5,000 persons were unable to get into the church.

Loud speakers carried the songs, eulogy and sermon to the overflow crowd. There were more than one hundred cars in the funeral procession.

CONTRIBUTE FUNDS

At both the morning and evening services at National Temple Baptist Church last Sunday, the congregation contributed funds to obtain an attorney as a private prosecutor for Mrs. Green, Rice's mother.

This act alone shows the intense feeling stirred in some sections by the fatal shooting.

Legal aspects of the case have caused considerable discussion in legal circles. The question is, whether under the circumstances young Spaulding was legally justified in firing the fatal shot.

The coroner's inquest is the next step in the Spaulding-Rice case.

A Mother Grieves—Mrs. Edna R. Green, mother of Louis (Jakie) Rice, stirred the funeral crowd to tears at rites for her slain son in Philadelphia week before last when she viewed his remains for the last time. She was so grief-stricken she had to be led away by ushers. Philadelphia has been shaken to the roots by the slaying's aftermath.

Man Killed In Pistol Duel In Greensville, S. C.

GREENVILLE, S. C. — One man was killed Tuesday and another wounded as the result of a pistol duel between two other men in downtown Greenville yesterday.

Heywood Smith, a Negro, was killed in the melee and William Watkins, a white man working nearby, was wounded. The two Negro duelers, were unarmed. Police, who took the duelists into custody, said their argument had started Monday.

Robed cop killed in Klan-Negro battle

CONWAY, S. C., Aug. 28—A Conway policeman wearing his uniform under a Ku Klux Klan robe was shot to death in Klan-Negro gun fight at nearby Myrtle Beach Saturday night.

A Negro man who, officers said, had been beaten on the head, was arrested and whisked to an undisclosed jail.

Horry County Sheriff C. Ernest Sasser estimated today that 300 shots were fired by about 60 robed Klansmen and an undetermined number of Negroes in front of a Negro dance hall and tourist court.

* * *

POLICE OFFICER James Daniel Johnson, 42, was shot in the back with a .38 caliber pistol, Sasser reported. Johnston died at a Conway hospital. Sasser said Johnston was wearing both his police uniform and Klan robe.

Sasser identified the Negro he arrested as Charlie Fitzgerald, proprietor of the dance hall. Another Negro man was wounded, Sasser said he was told.

14 Charged In Slaying at Negro Home

GREENWOOD, S. C., Dec. 12—(AP)—Fourteen white men were charged with criminal conspiracy Tuesday as a result of a disturbance at a Negro home last week which ended in the shotgun slaying of a white man.

The victim, found last Wednesday morning, was George S. Ferguson, of Abbeville.

A 14-year-old Negro boy, Clayton Moore, Jr., has been arrested and released under $1,000 bond on a murder charge growing out of Ferguson's slaying. His grandfather, John Moore, reported the boy fired a shotgun when a group of white men attacked his father, Clayton Moore, Sr., a textile mill janitor, near his home Tuesday night.

The warrant, signed by Sheriff J. Cal White, charges the white men with conspiring "to go to the home of Clayton Moore and abduct, whip and commit an assault and battery with intent to kill against the said Clayton Moore."

Ferguson was 41 and the father of six children. He was shot in the face with a blast from a shotgun.

No reason for the reported attack on the Negro has been given officially.

Policeman Wearing KKK Bedsheet Shot To Death By Negro In Klan Riot

MYRTLE BEACH, S. C. — (AP) — A white police officer who was taking part in a Ku Klux Klan parade before a Negro dance hall in defiance of the owner's warning was shot to death, a law enforcement officer reported today.

The officer, who would not allow his name to be used, said James Daniel Johnston, 42, Conway policeman, was wearing a robe and marching in the parade that ended in a near-riot here Saturday night.

Meanwhile, Sheriff C. E. Sasser said Negro night club owner Charlie Fitzgerald had been removed to a jail in another part of the state for safekeeping. He said Fitzgerald was shot in the foot, but not severely injured. No charges had been lodged against him, the sheriff said.

Sasser said Fitzgerald had sent word to the masked and robed nightriders that if the Saturday night Klan parade stopped in front of his place there would be shooting. The klansmen, complete with lighted cross, stopped anyway, and there was "shooting on both sides."

One of the bullets struck Johnston and killed him. Sasser said he had not determined who actually fired the shot, but hoped to break the case later today.

A city employe, who also requested that his name not be used, said Fitzgerald had been taken to a hospital at Columbia, S. C., for treatment and safekeeping. It was reported that the Negro had been warned to close his place and had refused. The constabulary office at Columbia said it had no report on the place.

Witnesses said from 100 to 150 klansmen in 50 cars paraded through Myrtle Beach Saturday night and then headed for "Negro Hill," a Negro settlement near Atlantic beach.

Conspiracy laid to 14 after Negro kills white

GREENWOOD, S. C., Dec. 13—(AP)—State and county law officers continued their investigation today of the shotgun slaying of a white man in which a Negro youth has been charged with murder and 14 white men with criminal conspiracy.

George S. Ferguson, of Abbeville, was found dead of a shotgun blast beside a country highway last Wednesday morning.

Clayton Moore, Jr., a 14-year-old Negro boy, has been charged with murdering him. The boy is free in $1,000 bond.

YESTERDAY SHERIFF CAL White signed warrants charging the 14 white men with conspiring to "abduct, whip and commit an assault and battery with intent to kill" young Moore's father.

Moore's grandfather said that Clayton fired a shotgun blast when a group of white men attacked his father near their home Tuesday night. No reason for the reported attack was given.

Sheriff White was reluctant to discuss the case yesterday. He said some of the men had posted bond, but declined to give any further details. State law officials also declined to discuss the case.

Son, 14, Kills Man, 41, After Band Attempts Kidnap Of Father

Courier Journal Thurs. 12-14-50

GREENWOOD, S. C.—(INS)—A coroner's inquest Wednesday produced a verdict that George F. Ferguson, 41-year-old white man, came to his death by gunshot wounds at the hands of a 14-year old Negro boy who reportedly fired on a band of men who attempted to kidnap his father.

The inquest was the last legal step before the January Grand Jury at Greenwood considers murder charges against 'teen-aged Clayton Moore, Jr., and charges of conspiracy to kidnap brought against 14 white men.

Authorities said that Ferguson who is from Abbeville, S. C., was shot last Tuesday night a short distance from the home of Clayton Moore, Sr., Negro janitor at a textile plant.

Deputy Sheriff S. M. Cooper testified today that the youngster admitted to him that he fired the shogun blast which felled the white man.

Authorities were told that a band of men approached the Moore home and lured the janitor out on a pretext their car needed water. They threatened to kill the man and struck him on the head for reasons which authorities report are still not known.

When his father yelled for help, Young Moore appeared with a shotgun. He fired, Ferguson fell and the other men left in two cars.

The younger Moore was charged with murder and placed under $1,000 bond.

Sheriff J. Cal White swore out warrants against 14 men, charging that they "did conspire, combine, confederate and plan to go to the home of Clayton Moore, Sr., and abduct, whip and commit assault and battery with intent to kill." The 14, most of whom work in the same textile plant Moore does, were released under bonds of $300 each.

Slays One of 20 Would-Be-Killers

Single Shotgun Blast Routs Hoodlums; 14 Now Held in Jail

GREENWOOD, S.C.—A 14-year-old boy, whose shotgun blast routed a 20-man white mob attacking his father, has been released under $1000 bond on a murder charge; but 14 members of the night-attacking group have been jailed and charged with conspiracy to kill.

The youth, Clayton Moore Jr., had grabbed the shotgun and fired into the group as his father, Clayton Moore Sr., a janitor at a nearby textile mill, struggled against being taken from his home for a beating the group had declared it came to deliver.

Dat. 12-23-50

The heroism of the now-puzzled schoolboy is told by his grandfather, John Moore, who said that the hoodlums had broken into the house and was attempting to drag the elder Moore out. The aroused youngster, sensing the situation, seized the gun and fired. The men fled in automobiles.

Father of 6 Slain

The following morning (Wednesday), the body of one of the group was found by the road, its face splattered by shotgun pellets. It was identified as that of George S. Ferguson, 41, of Abbeville County, father of six children.

After details of the night visit were gathered by officials, Greenwood County Sheriff J. Calvin White swore out warrants for 14 men, six of them residents of the county and eight from adjoining Abbeville County.

The sheriff charged them with conspiracy "to go to the home of Clayton Moore and abduct, whip and commit assault and battery with intent to kill against said Clayton Moore."

Arrested Men Listed

Identified in the warrant were: Ed Douglas, Ben F. Lewis, Walter Chapman, Bobby Keller, Eugene Whatley and J. T. Wash, all of Greenwood County; Adrin Davis, Bill Calloway, Olin Bowie, Frank Ferguson, Thrashyer Bowie, James Greer, Charles Pressley and Leonard Sawyer, of Abbeville County.

No authentic reason for the attack upon the elder Moore was immediately discernible. A reporter was unable to locate him shortly after the incident but reports were that he had gone on a short trip.

One source intimated, however, that he had "had some words on his job and didn't take low."

Boy Being Guarded

Meanwhile, under $1000 bond, extremely light for a murder charge, the teen-ager is baffled over the attention which has come to him. For his own safety he has been removed from his home temporarily and relatives refuse to disclose his whereabouts.

The slaying raises to two official and three unofficial deaths attributed to mob action in this State over a three-month period.

Last Aug. 26, a police officer was shot to death at Myrtle Beach while in klan regalia and participating in a raid on the establishment of Charlie Fitzgerald.

Voting Sparks Beatings

A second man was reported to have died ten days later from wounds sustained in the same raid. However, official cause of death was credited otherwise.

In Abbeville County, just before the 1950 primaries, several colored citizens who had registered were beaten or had to concoct schemes to duck these.

On Aug. 10, 1948, at Calhoun Falls, also in Abbeville County, a 66-year old Baptist minister, the Rev. Archie Ware, was beaten an slashed half to death when he voted in the first Democratic primary since court action opened this election.

13 White Men Sentenced On Charge Of Beating Negro

GREENWOOD, S. C., Feb. 13 (AP) —Thirteen white men have pleaded guilty to charges of criminal conspiracy in the beating of a Negro Dec. 5. The Negro's son, who shot another white man to death during the incident was freed.

Circuit Court Judge T. B. Greneker sentenced 12 of them to a year in prison or a fine of $600, the balance of the sentence to be suspended when the men pay $200 or serve two months.

One of the defendants was given a suspended sentence and placed on probation for two years after authorities testified he had given them complete details of the incident.

Sheriff J. Cal White testified that the men went to the home of Clayton Moore Sr. near here and beat him for allegedly showing a picture of a nude white woman. Deputy Sheriff P. R. Underwood told the jury that he knew nothing of the picture, and Moore was a respected resident of the community.

At the request of Solicitor Hugh Beasley, Judge Greneker directed a verdict of acquittal for Clayton Moore Jr., 14, who was charged with murder when he admitted he shot George S. Ferguson to death during the attack on his father.

The younger Gore is a World War II Purple Heart Veteran. The Gores said the men took them to a school yard near the Gore home and beat them after praying: "Oh, God, we hate to do this." Mr. Gore and his nephew said they were told the beatings were for neglecting their families.

Acquit 5 Men Who Attacked S. C. Farmer

CONWAY, S. C. — Five men were acquitted in an attack on a crippled farmer and his nephew Wednesday in the General Sessions Court when the jury found three of them innocent and the state directed innocent verdicts for the other two.

The five were charged with conspiracy and assault and battery in a high and aggravated nature. Conviction would have carried a maximum penalty of 10 years.

The men were indicted after Sam Gore and his nephew, J. C. Gore, reported they were dragged from their homes Jan. 17 by a gang of robed and hooded men.

S.C. Vet Gets Chair; Killed 3 Tormentors

Appeal Planned for Smith Harvey; Resented Insults, Killed 3

BEAUFORT, S.C. — Smith Harvey, 40-year-old Army veteran, was found guilty of first-degree murder, Wednesday in the Feb. 17 slaying of three white men, and sentenced to die on unlucky Friday, April 13th. The execution date was suspended, however, after his attorneys filed an appeal motion.

Smith Harvey

More than a thousand persons, about half of them colored, jammed the courthouse at this resort town, and officials cleared the tiny courtroom of all but witnesses and members of the families of the principals.

Harvey pleaded guilty to shooting the men but claimed self-defense. He took the stand and told the court that the men "made an insulting remark" as he passed their car parked on a dark country road, and that he shot them when they jumped out in a menacing manner.

Randolph Murdock, State prosecutor, discounted this version. He recommended a first-degree murder verdict, and pointed out that one of the men was shot after he crawled under the car to escape the bullets.

Triangle Motive Advanced

Harvey was represented by Aaron Kraditch of Savannah, Ga., and Basil Hall of Beaufort. The lawyers were employed with funds donated by colored residents of the town.

The shooting occurred about 1 a.m. Feb. 17, on a dark country road near Harvey's home. Rumors around town were that one of the men killed had been too friendly with Harvey's wife, Mildred, who left town shortly after the slayings.

Victims of the shooting were J. Aubrey and Bonnie Godley, brothers; and Wilson McAlhaney. Their friend, W. C. Swain, who was in the car at the time, was unable to identify Harvey as the gunman. Swain testified that it was "very dark" and he could not make out the face of the killer.

The murder weapon, a 45 caliber automatic pistol has not been found. Sheriff J. E. McTeer quoted Harvey as saying he "threw the gun in the river."

The sheriff said he decided not to drag the river for the weapon as the operation was too expensive and chances of locating the gun were slim.

Appeal of Verdict Planned

Defense counsel indicated that the case will be carried to the United States Supreme Court, if the State Court of Appeals affirms the trial court verdict.

Harvey, a native of Beaufort County, enjoys a reputation as one of the best river men in this section. He is a crack marksman and belongs to a family which "doesn't bother anybody but doesn't take any foolishness," according to one prominent resident.

He is a member of the NAACP and the Port Royal Lodge of Masons here. The shooting occurred about a hundred yards from Harvey's home, an area known as Ladys Island.

Self-defense Ignored

The jury ignored evidence that the defendant acted in self-defense, and that the dead men demanded that the war veteran find them colored women who would agree to consort with them in an after-midnight love making.

The jury further ignored the defendant's testimony that when he refused to do the white men's insulting request they came out of their darkened automobile and threatened to kill him.

Defense Lawyer's Compromise

Hope for Harvey's acquittal was removed when chief defense counsel, Aaron Kravitch of Savannah, Ga., said in his summation he doubted that the islander had sufficient reason to have acted wholly in self-defense.

Kravitch pleaded only for a verdict less severe than execution, implying his readiness to accept a verdict of manslaughter under which the court could have entered a two to 30-year sentence.

Prosecutor's Plea

The prosecutor, Solicitor Randolph Murdaugh told the jury:

"The physical facts make impossible any belief in the defendant's story. He argued that Harvey killed two of the white men in pursuit, shooting one of the three in the back of the neck, and the other while he was on his knees crawling under their automobile for safety.

Grand Jury Mixed

Two colored men served on the grand jury which indicted Harvey, the first time this has happened locally. They were Joseph Wright, prominent mortician, and B. B. Barnwell, county farm agent.

Three other colored men were on the trial panel but none served on the trial jury. George Lawton, a carpenter, was excused when he told the court he was opposed to capital punishment.

The jury found Harvey guilty of premeditated murder.

Attorney Kravitch bitterly indicted some aspects of justice as meted out to colored people by the dominant white majority in Dixie.

Jury Deaf to Justice

In summing up for the defense, he made an eloquent plea to the jury for justice without racial prejudice, asking them to disregard all fears of criticism by the community if they showed mercy toward Harvey.

But his appeal had no effect upon the white jurors as Mr. Kravitch resorted to every art of the skilled legal practitioner during his 39-minute closing argument.

"Harvey," he told them, "means nothing alone, but what you do can be a milestone in the administration of justice."

Kin, Friends Stunned

He concluded: "Do your sworn duty or else let your consciences be a small voice to plague you through all the nights ahead...and may God have mercy on your soul."

But the creast-fallen relatives and friends of the defendant who heard the defense attorney's invocation left no doubt by their faces that the invocation uttered in a building dedicated to justice, was in reality a sacrilege.

Vet's Fear Justified

Strong evidence and the circumstances of the case proved that Harvey did fear for his life and fired at the three white men because of this fear.

No evidence was produced to prove that he went after his tormentors with murder in his heart.

The court in instructions to the jury emphasized that self-defense was basis for acquittal, and that any reasonable doubt that the defendant acted in self-defense, believing that he was in mortal danger, must be resolved in his favor.

Army Veteran Slew Three in Defense of Own Life, Fellow Citizens Believe

Residents Eager to Air Facts on Harvey, Town Native; Pledge He'll Have Fair Trial

BEAUFORT, S.C.—Because they had known him all his life, residents of this town were eager to talk with an AFRO reporter about Smith Harvey, the Army veteran who killed three white men who insulted him.

Many told me how Harvey grew up on tiny Ladies Island—a quarter mile from here—became an expert swimmer and was a boatman by trade.

When the war broke out, Harvey gave up his job as a truck driver at Parris Island Marine Base, five miles away, and served in the Army.

Proficient With Firearms

It was in the Army that Harvey attained the rank of corporal and became adept at using guns. He participated in bitter hand-to-hand fighting with the Japanese on various Pacific islands.

Discharged from the service, Harvey returned to Beaufort, married a young woman from Savannah, Ga., and settled down in a small house on his mother's island property.

A member of the Port Royal Masonic Lodge, Harvey became interested in mechanics and was enrolled in a veterans' school here when the triple slaying occurred.

Kill or Be Killed

I gathered, by talking with citizens here, that Harvey, when he started home on the Saturday night of the slaying and was faced by four angry white men on the darkened road he was confronted with a familiar situation.

They believe it was a matter of kill or be killed, and that Harvey chose to live.

Situated near the Atlantic Ocean in the southernmost tip of South Carolina, Beaufort is located on the Lobeco River.

Ladies Island is just across a picturesque, white wooden bridge. It was in this vicinity that the Spaniards first settled in the year 1562.

Typical Southern Town

Beaufort is a typical Southern town, where racial lines are clearly drawn; but residents report that there is considerable after-hours intermingling and that illicit interracial love affairs are not unusual.

An agricultural area, Beaufort County abounds in dark moss-draped rivers; and the visitor here is impressed with the pine trees growing in town streets, the plantations and the moss-covered trees.

Probably the town's most outstanding citizen is Dr. M. P. Kennedy, physician.

Fair Trial to Be Pressed

I talked with the doctor and his charming wife, Mrs. Jenny Kennedy, and learned that the colored citizens and many white ones are determined to see that Harvey gets a fair trial.

They echoed the belief I heard in other quarters, that Harvey shot in defense of his life when he was accosted by four men who laid in wait for him just a few yards from his modest, three-room home.—WELLS

Death Sentence Given Four In Charleston Ca

CHARLESTON, S. C.— (SNS) Four young Negro men were sentenced to die and another was sentenced to life in prison for the death of a white man. The jury which found them guilty pondered the fate of the five young men for two hours and twenty minutes.

The four sentenced to death were: James Little, 22; Peter Short, 29; Theodore Bailey, 17 and Leon Brock, 24. Sentenced to life imprisonment is a 14-year-old who reportedly pleaded innocent.

The death sentences are to be executed on November 2. It was alleged that the five convicted men beat and robbed Horace Wilhelm, a furniture salesman.

Judge T. B. Greneker refused the motion of the defense for a new trial. The motion was made on the basis that there was insufficient evidence for conviction.

Criticize "South" In Plea For Condemned Negro's Life

COLUMBIA, S. C.— "Our juries still don't give equal consideration to the Negroes," Savannah Attorney Aaron Kravitch told the S. C Supreme Court in a plea for the life of forty year old Smith Harvey who is slated to die for the fatal shooting of three young white men last February.

The Beaufort County Negro was convicted of murder, but Kravitch told the Supreme Court of South Carolina that he did not get a fair trial because of his race. He said:

"There is a written law 'Thou shalt not kill' but in this section of the country there is an unwritten law that applies to Negroes—'Thou shalt not kill a white man.'"

Harvey is a war veteran and former boatman. He was sentenced to die last March for the slaying of Jadie Aubrey Godley, 29, and Lonnie Godley, 24, brothers, and Wilson Lee McAlhoney, 20.

The shooting occurred on a spot known as Lady's Island. A fourth white man in party with the three victims testified that Harvey approached the car in which they were sitting parked and singing and was asked, "who the hell is that?" he witness said Harvey replied, "who the hell is making all the racket?"

Kravitch told the court, "clearly the aggressor was not the man who did the killing. I don't believe that if three Negroes had jumped out a car at a white man, any jury would have convicted the white man for murder."

He said the white men had been drinking and partying some time before the shooting. He told the court that voluntary manslaughter was the worst crime for which Harvey could be possibly guilty. He said that the lower court judge had failed to make proper reference to a possible manslaughter charge in his charge to the jury.

Solicitor Randolph Murdaugh denied that the three victims had been parting extensively and said, "they had consumed only a pint of whiskey." He charged that Harvey had been flashing a pistol on the night of the slaying.

The court asked the solicitor, "why did the three men get out of the car?"

"I don't know," he replied. He also said there was no evidence that Harvey had threatened the white men.

Sidelights On Smith Harvey Trial

Riverfront Court Packed; Negroes Refused As Jurors

Staff Correspondence

BEAUFORT, S. C. — When Smith Harvey went on trial here last week for slaying three white South Carolinians, the courtroom—facing the Beaufort River—was jam-packed with spectators of both races, but Negroes had to wait in the hallway until all whites had been admitted and seated. Seating accommodations were shared equally, however, Negroes using the left side of the room and whites the right side. Court convened at ten o'clock Wednesday morning, but colored folk—using the regular doorway, this time designated as the colored entrance—waited for over an hour, until 9:30, before being admitted.

Harvey was brought into court at 9:55, accompanied by a squad of state police who escorted him from Columbia, the state capital, where he has been held for safekeeping.

* * *

HE TOOK HIS seat at the defense table with his counsel.

Harvey wore ex-GI clothing. He appeared at ease. He slouched slightly in his chair, facing the judge's bench. Mostly he stared straight ahead, intent no doubt on the life or death ordeal then about to begin for him.

Negro spectators filled the nine long benches available to them, sitting 12 or 13 seats intended for ten at the most. They "sardined" in the side and rear aisles and spilled over into the hall and on stairways to the first floor.

* * *

HOWEVER, ALMOST immediately Judge J. Frank Eatmon of Kingstree, S. C., ordered the room cleared of all persons of both races who could not be seated.

He directed Sheriff J. E. McTeer, "in the interest of absolute order," to clear the room and to "lock the doors and place guards at them." Court was called to order promptly at ten o'clock.

Counsel for defense were Basil Hall of Beaufort and Aaron Kravitch, of Savannah, Ga.

* * *

ONLY TWO NEGROES were inside the rail of the courtroom, the Guide Representative and the defendant.

Immediately I presented by press credentials to Sheriff McTeer, he cordially directed me to the press table.

Also at the press table were representatives of a wire news service, the local white weekly, and a Columbia daily.

* * *

DEFENSE COUNSEL advised the court they would ask several questions of all prospective jurors—"Whether they belonged to any subversive organizations, to the Ku Klux Klan, the Klan of South Carolina, or any other organization having antipathy against the Negro race," and "Do you believe in equal justice to whites and blacks where the same facts exist?"

The judge directed counsel and the solicitor, Randolph Murdaugh, to submit in writing all special questions for prospective jurors. He said he would ask the questions himself, and did so as questioning of jurors began at ten thirty eight. Under oath, all answered no to the queries.

Among talesmen called were three Negroes, one of whom was excused when he, alone among those on the panel, declared himself opposed to the death penalty.

* * *

TWO OTHER Negroes were disqualified on preemptory challenges by the state. This made certain Harvey would be tried by an all-white male jury. He was tried Wednesday for the slaying of Jadie Aubrey Godley. Two Negroes were on the grand jury which indicted Harvey Monday of last week.

One trial juror admitted kinship to Godley and was excused.

The twelve jurors had been chosen by 10:55.

* * *

PROMPTLY THE trial itself got underway with the reading of the jury of the indictment in the slaying of Aubrey Godley, 29.

The state obviously planned to try Harvey also for the deaths of Lonnie Godley, 24, Aubrey's brother, and Wilson Lee McAlhaney, 20, if he was not convicted in the first trial.

The fourth man in the parked automobile on Lady's Island, where the affray occurred, was Wordis C. Swain. He survived by hiding on the back seat.

Aubrey Godley and McAlhaney were telephone workers. Lonnie was a carpenter, and Swain is a garageman.

No Claim Made Of Wife's Part

No Follow Through On Early Moves In So. Carolina Trial

BEAUFORT, S. C.— Definite indications were given in court here that Smith Harvey, on trial last week for triple murder, might plead that he acted in defense of his wife's honor.

However, this claim was never specifically made — much to the surprise of numerous people, including a white member of the 18-man grand jury, which included two Negroes for the first time in Beaufort county.

The grand juryman told the Guide representative that he was "quite surprised" that the widely current report that one of the slain men had been so friendly with Mrs. Harvey that she and her husband had become estranged and she had left town just prior to the killing.

* * *

HE REPEATED THE story widely circulated here that on the day of the slayings, a white man, either one of those killed or a friend, had gone to the Harvey residence to get her clothing and other personal belongings for her.

Harvey was not in at the time, according to this version, and his mother refused to let the man have her daughter-in-law's belongings.

During examination of the fourth prosecution witness, Solicitor Randolph Murdaugh began questions to show that Harvey and his wife had been separated.

* * *

CHIEF DEFENSE Counsel Aaron Kravitch objected. Murdaugh replied he believed Harvey would charge the dead men had insulted his wife. "And I propose to show she was in Georgia and has been there some time."

The defense objected to "proving anything because you anticipate our possible defense procedure."

The prosecutor withdrew the question. During the wrangle the jury had been excused.

* * *

APPARENTLY HARVEY'S lawyers felt that however true the rumors, to bring them into evidence in court might give the prosecution a chance to show malice by their client, rather than that he shot in self-defense.

The only living eyewitness, Wordis C. Swain, white, who hid in the back of the automobile—the three dead men all got out — admitted that Harvey had nearly passed the car without a word until he was called to.

He said it was so dark he never saw whether the man was colored or white who was passing, and so consequently Harvey could not have identified them.

* * *

SWAIN ADMITTED, although very reluctantly, that someone in his car—he would not say who—did ask the passerby: "Where can we get some black a--?"

This would obviously have angered any self-respecting man, and surely one who's wife was said to be unusually friendly with another man of a different race.

Observers agreed that Prosecutor Murdaugh was anxious to get the "insult to wife" claim into the testimony and was keenly disappointed that the defense resisted the bait.

Verdict By S. C. Jury Stuns Crowd

Sentenced To Die Friday, 13th; Dead Men Threatened Him

By P. BERNARD YOUNG JR.
Editor, Journal and Guide

BEAUFORT, S. C. — A forty-year old veteran of the Pacific War was sentenced here last week to die on unlucky Friday, April 13, after a jury of Beaufort county citizens rejected the traditional presumption of innocence and resolved all reasonable doubts of guilt against Smith Harvey in the triple slaying of three of four white loitering, whiskey-soddered neighbors on nearby Lady's Island last month.

Despite evidence that the dead men demanded that the ex-soldier find them some colored women agreeable to illicit, after-midnight love

Other exclusive stories and another Harvey trial picture will be found on page 7 of this issue.

Women Excused 3 Times At Trial To Prevent Blushes

Staff Correspondence

BEAUFORT, S. C.—Three times during the trial of Smith Harvey here last week proceedings were held up as defense counsel twice and the judge once, warned women that testimony was about to be given which might embarrass them.

The first time seven white women, of about twenty present, went into an anteroom; one of them had a child about three with her. The second and third times about an equal number retired, mostly the same women.

When Defense Attorney Aaron Kravitch of Savannah, Ga., began to cross-examine the state's star witness, Wordis C. Swain, survivor of the white quartet, he said to Judge J. Frank Eatmon: "In fairness to my client I must phrase questions embarrassing to the ladies, and perhaps they should be permitted to retire."

As he spoke he turned toward the half of the room reserved for white spectators. The judge also looked only in that direction as he repeated the suggestion and directed use of the anteroom. On none of the other occasions when the procedure was repeated, did either Kravitch or the judge look toward the Negro section. This may have been coincidental, but it is significant that they directed their remarks "to the ladies present." In the South white people are rare who refer to Negro females as ladies.

No Negroes ladies left the room on either occasion. The doors, by court order, had been locked and guards posted, and spectators warned that anyone leaving would not be re-admitted. The numerous colored ladies, from experience, may have felt the offer to leave did not apply to them, and that in any case they could not jointly occupy the anteroom in Jim-Crow South Carolina unless the judge specifically [illegible].

The question promptly the excusing of the women who wanted to leave, as quoted in testimony and questions by the defense attorney, was "Where can we get some black a--?"

It was put to Harvey as he passed the parked auto about midnight in which Swain and the three men he killed were sitting. When he refused to help them find any women of easy virtue, angry words were exchanged, three of the men "piled out of" the car, shouting "Kill him!" and Harvey, an Army overseas veteran, began shooting.

He killed each of the men with one bullet, proving his reputation as an expert marksman, reputedly able to knock over a running rabbit with a pistol, although in all he fired all seven bullets in the .45 automatic.

making and piled out of thir darkened, parked automobile with threats to kill him when he refused, the jury ignored self-defense testimony and returned a verdict of guilty of premeditated murder, without recommendation of mercy, and automatically doomed Harvey to an electric chair death after 45 minutes deliberation.

The trial began at ten o'clock Wednesday, with the selection of the jury, and was over at 6:13 p. m.

Immediately after the sentencing of Harvey, a squad of eight local and state policemen hurried the doomed man from the court and took him by auto to the state prison at Columbia, where he had been held as a precaution against mob violence since his arrest, except when brought here March 5 for arraignment and March 7 for trial.

The presecutor representing the State of South Carolina had demanded the death penalty "or else let's throw the electric chair into the Congaree River" outside the state prison at Columbia, and the defense, surprisingly, had asked only for some penalty less than death but not for acquittal.

THE CHIEF defense counsel, noted Aaron Kravitch of Savannah, Ga., had left for home after the jury began its deliberations but a local attorney, Basil Hall, his associate, moved the court to order a new trial after the verdict was returned and was promptly answered with a curt denial by Judge J. Frank Eatmon of Kingstree, presiding. Hall did not note an exception to the ruling and file notice of intention to appeal the verdict, but in a subsequent interview he told the Guide correspondent that an appeal was very likely.

"I cannot say definitely," he said, "until after I consult my colleague."

In all fairness, it must be said that the prosecutor, Solicitor Randolph Murdaugh, the sheriff, J. E. McTeer, and Judge Eatmon exercised scrupulous care to avoid any appeals to racial prejudice and in observing the legal amenities.

* * *

BUT AT THE very end of his thirty-one minute closing address to jury, Solicitor Murdaugh got emotional, proclaiming "close friendship" with Aubrey Godley, one of the three slain men, for whose death Harvey was tried Wednesday, and was challenged by defense counsel for offering "inflammatory" statements, in which objection he was sustained by the court.

All hope of acquittal for Harvey was removed when Atty. Kravitch declared in his summation that he doubted that the islander had sufficient reason to have acted wholly in self defense and pleaded only for a verdict less severe than execution, for some verdict of manslaughter, by implication, under which the court could have imposed a sentence of from two to 30 years.

Solicitor Murdaugh, following Lawyer Kravitch in summing up, promptly declared he would do something for the defendant that his own counsel had not done. "I will say to you, if you believe the story of Smith Harvey, then set him free." He repeated this at least three times.

* * *

"BUT," HE SAID significantly, "The physical facts make impossible any belief in his story." And he set forth an argument to show that Harvey killed at least two of the men in cold blooded pursuit, shooting one of the three in the back (of the neck) and the other as he was on his knees crawling under their automobile to seek safety.

Two Negroes were on the grand jury indicting Harvey last Monday. This was the first time members of the race served on the grand jury locally. They were Joseph Wright, prominent mortician, and B. B. Barnwell, county farm agent.

Three Negroes were on the trial panel, but none served on the trial jury. George Lawton, carpenter, was excused from duty when he told the court he was opposed to capital punishment. No other juror voiced scruples against execution.

* * *

THE STATE used preremptory challenges to strike the other two, Fred Fripp, retired teacher, and Nathan Griffin, operator of a cleaning and pressing establishment.

Negroes regularly are placed on the Beaufort county trial jury panels, and on other occasions have sat on juries hearing cases.

The judge permitted introduction as evidence of statements made allegedly by Harvey both under questioning and during a lie detector test at State Police headquarters late in the afternoon of the same day of the slayings, despite the objections of Atty. Kravitch that:

(1) Harvey was illegally in custody during all of that time since no warrant had then been sworn out against him.

(2) Any statements or purported confessions made during intense and prolonged questioning, without opportunity to consult a lawyer, have been held inadmissible by the U. S. Supreme Court.

* * *

THE COURT, in Instructions to the jurors stressed that self defense was basis for acquittal, and that any reasonable doubt that Harvey acted in defense of his life, in the belief he was in mortal danger, must be resolved in his favor.

There were circumstances and strong evidence that Harvey did fear for his life and fired the automatic at the men because of that, and no evidence that he went gunning for anyone with malicious intent. But the jury brought in a verdict exacting the penalty for premeditated murder.

All of the jurymen had jointly sworn negative answers to questions concerning membership in subversive organizations, the Ku Klux Klan, the Klan of South Carolina or any other organizations with antipathy to the Negro race, and they had sworn affirmatively when asked, "Do you believe in equal justice for white and black?"

* * *

A SCORCHING indictment of some aspects of justice as administered in the South by the dominant race was made by Atty. Kravitch. In his summation he appealed eloquently for justice without racial prejudice, and asked that the jury disregard any fears of community criticism they might face in case they showed mercy toward Harvey.

Not a face in the jury box showed anything but implacable disinterest in any such appeal. Kravitch used every stratagem in the repertoire of a skilled, experienced practitioner during his 39-minute closing argument.

"Harvey means nothing alone, but what you do can be a milestone in the administration of justice," Kravitch admonished the jury.

* * *

"I AM HERE pleading only for a human right to go about peaceably and to protect one's life when it is endangered. What peaceful purpose did the three dead men have? Do your sworn duty or else let your consciences be a small voice to plague you through all the nights ahead," he declared in conclusion.

"And may God have mercy on your soul,'" Judge Eatmon intoned as he concluded the ritual of sentencing Harvey to his unlucky Friday thirteenth death.

In the stunned faces of the friends and relatives of Smith Harvey it did not take much imagination to believe that they felt the invocation, in a temple dedicated to merciful justice, to be sacrilege.

* * *

SHOULD SMITH Harvey die, it will not be so much because he broke the state's laws as that he violated a code which refuses to concede yet that any considerations permit a Negro to live who dares take a white life.

There was, indeed the facade, the appearance of fairness here last week. But twelve good men and true" revealed the brutal pretense in the vaunted concept of exactly equal justice.

Neighbors to Aid Vet Who Killed 3

Afro-American pgt. 3-3-51

Residents Hint One of Victims Too Friendly With Harvey's Comely Wife

By RUFUS WELLS
Staff Writer

BEAUFORT, S.C. — The 2,000 colored citizens of this town of 5,000 are pooling their money for a defense fund for Smith Harvey, 40-year-old Army veteran, accused of fatally shooting three white men.

Most of the residents of this river-front town knew Harvey since he was a boy. And they all say "He never bothered anyone, but he wouldn't stand for anyone bothering him."

Many people with whom I talked on Monday hinted that at the root of the whole incident was the fact that one of the white men involved had been too friendly with Harvey's attractive wife, Mildred. They said that she had been employed as a maid in his home. She reportedly left for New York on the day of the shooting.

They said further that it had been rumored around that Harvey and his wife had quarreled over the man's attitude about three weeks ago and that she had been ordered out at that time.

The aged mother of the accused man, 79-year-old Mrs. Rebecca Harvey said that she knew nothing of the case or why her son and his wife were at odds, but she did say that they had had a fuss and that the daughter-in-law left.

Then she added, "About two days before the shooting, a white man came to my house and asked for Mildred's clothes."

"I told him," she said, "that my son had locked them up and I couldn't get to them."

Harvey, who served as a corporal with the Army in the Pacific during World War II, was rushed to the State Penitentiary at Columbia for safekeeping immediately after he was apprehended.

Extra police details patroled the streets as last rites were held at the Methodist church for two brothers, J. Aubrey and Lonnie Godley.

Funeral services for the other victim, Wilson McAlhaney, 21, brother-in-law of Lonnie, were held at the Baptist church Sunday afternoon.

Meanwhile, in this town of 5,000 persons, residents stood on street corners in the summer-like sunshine and discussed the triple slaying.

In the end, they all came up with the same opinion: "It couldn't have happened like the papers said. Something about the shooting is being held back."

An indication that investigating officers are not completely satisfied with the present version of the shooting was uncovered by the AFRO.

Asked whether the murder probe had been completed, O. C. Michael, Beaufort County deputy sheriff, replied:

"We are still working on it. There are a few loose ends which have to be tied up yet."

He declined to elaborate on the statement, but admitted that the death weapon has not been found.

Meanwhile, Sheriff J. E. McTeerm of Beaufort County announced that he had obtained a "confession" from Harvey.

Was Returning Home

In his confession to State and County officers, Harvey said that he passed the four men in a parked automobile while on his way home from a cafe here.

He said that as he passed, one of the four asked him an insulting question and became angry at his reply.

When three of the four got out of the car and came toward him, Harvey said, he fired at them. Six or seven shots were fired.

Aubrey Godley and McAlhaney died instantly, and Lonnie Godley several hours later in Beaufort Country Hospital.

His Story Differs

The man who escaped was Wordis C. Swain. In giving his version of the case, Swain said that the four of them were seated in a parked car when Harvey stopped to ask, "What the h— is all this racket."

He said that someone in the car replied: "Who wants to know?" and that when the three got out the shooting started.

In his confession to Beaufort County Sheriff J. E. McTeer and State Constabulary Chief O. L. Brady, Harvey said that he had thrown the weapon into the inlet which separates Ladies Island from the City of Beaufort.

The car was parked on the Ladies Island side of the bridge, about 200 yards from Lonnie Godley's home.

Traced by Bloodhounds

Harvey was arrested at his home about 1 o'clock Saturday, after bloodhounds and plaster paris shoe casts had linked him to the slaying.

One prominent resident told this reporter:

"The reputation of the slain men is not too good among our folk, but I don't know any of them. I have only heard it."

Defense Fund Launched

Residents say they plan to investigate details of the interracial love triangle before the court when Harvey stands trial, and to show that the ex-GI shot in self-defense.

Harvey is a member of the NAACP and the Port Royal Lodge of Masons here.

INSIDE

Don't miss page of pictures and stories on Beaufort, S.C., murder scene by AFRO staff writer.

SPEED 'JUSTICE' IN S.C.:

Grand Jury to 'Study' Triple Slaying Monday

BEAUFORT, S.C. — The Beaufort County grand jury will convene March 5 and take under consideration the case of Smith Harvey, 40-year-old ex-GI charged with fatally shooting three white men, who allegedly insulted him from a parked automobile on Feb. 17.

Harvey was ordered held for grand jury action after a corner's jury hearing here last Saturday.

If indicted by the grand jury, he may under South Carolina law, be granted three days in which to prepare his defense. Date of the trial will be set by the Beaufort County solicitor.

Not to Drag for Pistol

Meanwhile, police are continuing their efforts to produce the .45-calibre automatic pistol used in the triple slaying. Sheriff J. E. McTeer, told the AFRO Saturday that he has decided against dragging the Lobeco River here for the gun.

Harvey reportedly told the sheriff that he threw the gun into the river. Sheriff McTeer said he visited the spot from which Harvey said he tossed the weapon, but that the river bed was covered with so much debris, it would be too costly to make a serious attempt to find the gun.

Harvey was rushed from this town immediately after his arrest and placed in the safety of the State Penitentiary, 124 miles away.

Says Her Son Is 'Good Boy'

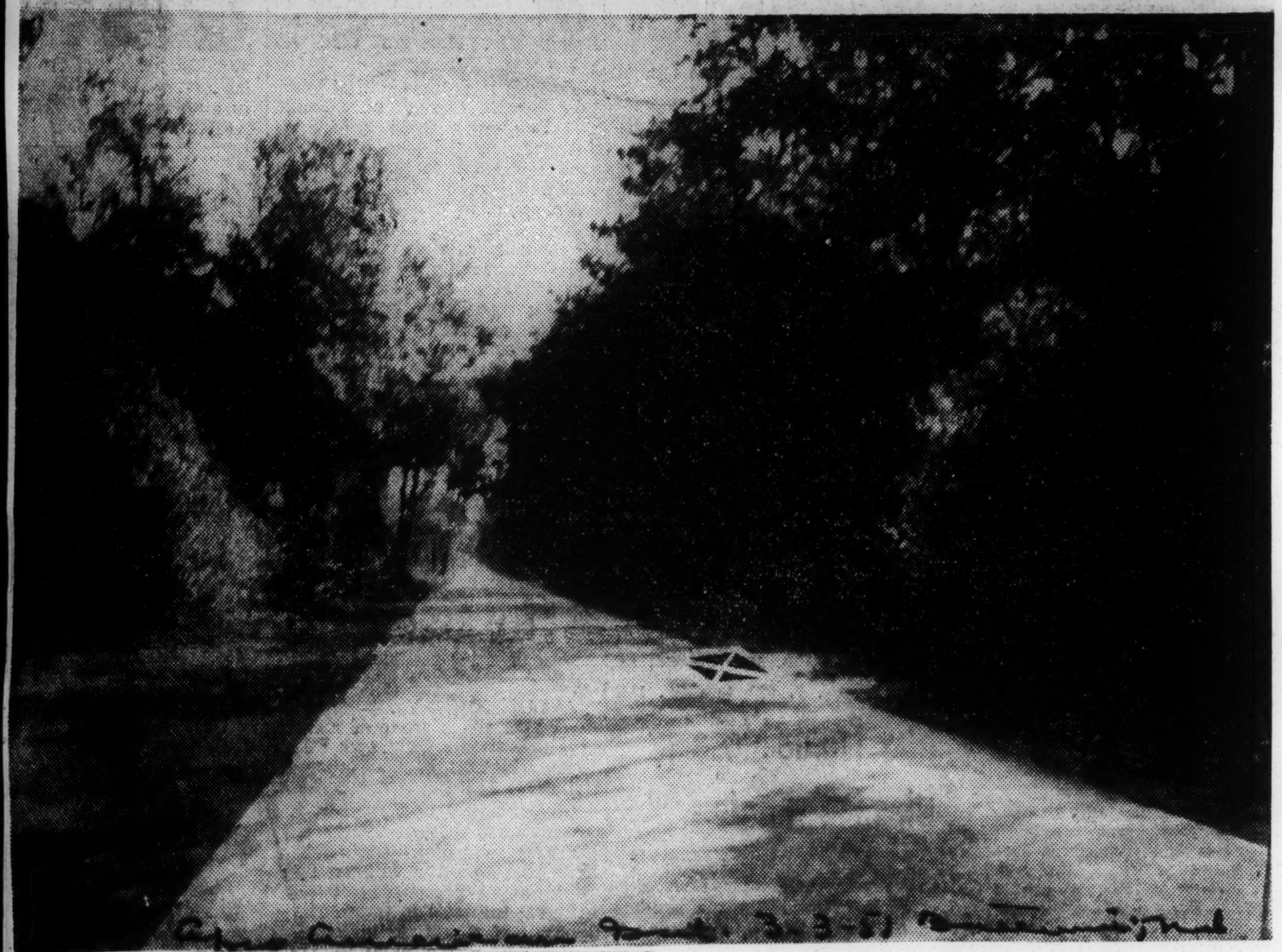
Mrs. Rebecca Harvey, 79-year-old mother of Smith Harvey, ex-GI charged with fatally shooting three white men last week. Mrs. Harvey lives in a small frame house about 100 yards from the shooting scene. She described her son as a "good boy" and said he shot in self-defense.

Was Vet's Wife Insulted, Too?

Mrs. Mildred Harvey, known as "Pet" to friends, is the attractive wife of Smith Harvey, Beaufort, S.C., vet who killed three white men who insulted him. Residents of the area say Harvey, a vet, killed in self defense after men insulted him and that Harvey resented manner in which one of slain men talked to his wife.

South Carolina (Legal Sentence)

Here's Place Where Insulted Vet Killed 3 Attackers



It was along this dark country road that Smith Harvey was approached by four white men, who had waited until he walked towards his home. X marks the spot where Harvey shot and killed three of his four attackers. The other one escaped. Harvey's home is to the left on the picture, it is obscured by trees.

THREAT OF CHAIR MORE OMINOUS:

S.C. Court Delays Hearing Killer of 3 Whites Appeal

COLUMBIA, S.C. — The State Supreme Court, in session this month, has delayed hearing an appeal by Smith Harvey, World War II veteran of Beaufort, S.C., who was sentened to the electric chair early this year. Harvey faces electrocution for killing Aubrey Godley, one of three white men he shot to death on Feb. 17 on Ladies Island, near Beaufort.

Smith Harvey

Godley and the two other white men were slain as they advanced menacingly toward Harvey after waiting in a parked car in front of his home.

Harvey, a corporal when he served in the Pacific during World War II, said the men made insulting remarks to him and when they started twoard him he feared for his life.

Off-Key Rumors Heard

At the time, there were rumors that one of the white men had been too friendly with Harvey's wife, Mildred.

Another report is that Harvey took offense when the white men asked to be directed to some colored girls.

Harvey is well-known in Beaufort County as a man who worked hard and attended to his own business.

Defense counsel is appealing on the grounds that Harvey was questioned for long hours by officers without respite, and that there were no colored jurors on the panel until his case came up.

STRANGE DIXIE 'JUSTICE:'

Prisoners Will Go to Jail at Convenience

GREENVILLE, Tenn.—If a white man is accused of assault upon a colored man, he may be found guilty, but it is also likely that he can serve his jail or prison term at his own convenience.

At least that's what happened in Greene County Criminal Court here last week when Judge Henry Grady, presiding over a special term of the court, deferred sentences of two white men until after next November because they have tobacco crops to work.

Crime Stirs Two Counties

The ruling by Judge Grady wrote the closing chapter, April , in the kidnaping trial of five white men, a crime that had stirred Pitt and Greene Counties, the latter the scene of the incident.

Two of the men, Fennie Croon and Thad Braxton Jr., were sentenced to serve six years on the county roads, both to start serving their terms on Nov. 1 of this year, the court deferring the sentences because Defense Attorney Albion Dunn told the judge the men had tobacco crops to work.

Convicted of Assault

Croom and Braxton were both convicted on indictments charging them with conspiring to assault and assaulting with deadly weapons Kirby Williams of Pitt County and Sylvester Joyner of Green County, both colored, prosecuting witnesses in the case.

Herman Newell, the third man, was sentenced to four years after convictions on the same indictment while Robert E. Stocks and Earl Everett were each given a suspended sentence on assault counts. In addition, each was ordered to pay Williams $150 and Joyner, $75.

The court quashed the kidnaping indictments against the quintet after each had pleaded quilty of conspiring to assault and assaulting the two men with deadly weapons. Solicitor W. J. Bundy accepted the pleas and the subsequent plea of the men that they were not guilty of kidnapping.

Slaying Of Bus Passenger Halts Service

CHATTANOOGA, Tenn. — (ANP — The slaying of a Negro passenger by a white bus driver here Wednesday brought to a complete standstill the bus service throughout the city.

The stoppage of service came when 300 members of Div. 1005 St. Railway and Motor Coach employes union called a strike in protest against what they said was "arbitrary" company action against Driver Walter R. Crownover, accused of slaying Milton B. Sims, 28, the day before.

Sims was shot in the bus office after leaving Crownover's bus to report the driver. According to Crownover, who had followed the complainant into the office, he fired in self defense when Sims reached into his pocket."

Crownover was relieved of all duties after a local Negro ministers' organization asked for his dismissal. However, fellow drivers contended the company had told them that unless Crownover resigned, he would be fired.

Bus Driver Kills Negro In City Coach Office

CHATTANOOGA, Tenn. — (SNS)— A Negro identified by police as Milton B. Sims, about 28, of 21 B Lawn Street, was fatally shot Tuesday morning May 29th at 9 a. m. in a Southern Coach Lines office at 211 Market Street.

Police charged a bus driver, Walter R. Crownover, 40, of 1002 Garnett Street, with the shooting, and booked him at city jail on a charge of murder. Preliminary hearing was set for June 8.

Crownover told police he shot Sims in self defense. He declared the Negro and a boy, identified afterwards as Sims' son, Ernest, 7, boarded his northbound bus at 10th and Market Streets a few minutes before the shooting and claimed the bus driver "ran off and left me," a block farther south, at 11th and Market.

BECAME ABUSIVE

Crownover said Sims became abusive, but finally took a seat in the rear of the bus. The driver said a fellow coach line employe, R. E. Burroughs, was sitting behind him at the time of the incident, and left the bus at the corner of Sixth and Market to summon police while the bus continued on toward North Chattanooga.

Crownover asserted the Negro was seen to borrow something from another Negro passenger, identified as Governor White, 50, of 2629 Long Street.

"I don't know what it was," Crownover said, "but it was bigger than a pencil, and I figured I was going to have more trouble with him.

"He rang the buzzer to get off at Third Street and I didn't know whether to stop or not because I knew the police would meet me any minute."

Crownover said the Negro left the bus at Third Street and walked to the dispatcher's office and went inside. The driver said he followed into the office in time to hear the Negro say he wanted to complain because the bus driver "ran off and left me."

"I asked him what he wanted and he told me he was going to report me. I told him he'd better go on. Then he reached in his pocket."

FIRED TWO SHOTS

Crownover said he fired two shots at the Negro.

Southern Coach Lines officials immediately notified police and called an ambulance.

Motorcycle Patrolman Willard Farmer, one of the first officers on the scene said Sims "was still standing when I got there." He said the Negro remained conscious until an ambulance crew took him away.

The Negro died in the emergency room at Newell Hospital. A hospital physician said a bullet struck the patient's heart.

Preliminary examination failed to reveal a second bullet.

Police Capt. E. E. Williams and Patrolmen Farmer, Earl Lucas, Harold Wooden and Paul Lee investigated the incident.

They took a .38-caliber revolver from Crownover.

A large butcher knife also was confiscated. Capt. Williams said it was taken from Sims' son after the youngster was placed in a patrol car following the shooting.

The police captain quoted the boy as saying his father gave him the knife. It was not determined when the weapon was given the boy. U. S. Commissioner H. Arnold Morgan, one of two attorneys retained to represent Sims' widow, said the boy told him he was given the knife "some place where they were digging a ditch."

One hour and 20 minutes after the shooting, Lt. Roy Collins of the homicide bureau started an investigation. He would not discuss the incident with reporters, referring them to the chief of police.

J. Tarleton Bowles, investigator for the attorney-general's office also entered the probe and he and Clinton questioned Crownover, White and the Sims boy. The youngster was kept at police headquarters more than an hour, awaiting the arrival of Lt. Clinton. A short time before arrival, Capt. Williams ordered the boy taken to his home. He was there only a short time before being brought back to the station.

Crownover said he has been employed by the coach lines since 1940. He has been released under $5,000 bond.

Shooting Of Chattanooga Rider Leads To Transit Shutdown

CHATTANOOGA, TENN., June 4—(AP)— Controversy following the slaying of a Negro passenger by a driver has resulted in a strike paralyzing Chattanooga's city bus system.

The strike was called Sunday by about 300 members of the AFL Street, Railway and Motor Coach employes. In their first statement since the strike began, the workers today blamed "arbitrary" company action against operator Walter R. Crownover.

Crownover is charged with murder in the slaying of Milton B. Sims, 28, last Tuesday. Sims was shot in the city bus office after leaving Crownover's bus to report the driver for "running off and leaving me."

Crownover, who had followed Sims into the office, claimed he fired in self defense after the Negro reached into his pocket. He charged the Negro became abusive after entering the bus and complaining he had been left at another stop.

Resolution Adopted

The local organization of Negro ministers adopted a resolution Thursday demanding dismissal of Crownover. Dr. P. H. Stevens, president of the local branch of the National Association for the Advancement of Colored People, called on members of his race to "remain calm and do nothing that would precipitate any unfortunate and unnecessary incident."

The company announced after the slaying that Crownover had been relieved of all duties.

The drivers contended in Monday's statement they were told by Southern Coach Lines, bus operating company, that unless Crownover resigned he would be fired. They added that Jo Conn Guild, Jr., company president, said "regardless of the outcome of the trial, Mr. Crownover was through and would never work again for the company."

The drivers contended Guild's attitude was "one of setting himself up as judge, jury and executioner . . . and of completely ignoring the contract with the union." They asked that Crownover be suspended until guilt or innocence is determined by the courts.

They added they are "ready to return to work the moment the company expresses willingness to let the courts—not company officials—determine the guilt or innocence" of Crownover.

Guild issued a statement acknowledging he told the drivers Crownover could not work for the company again. He said the driver violated the law in carrying a pistol on the bus and on company property. The statement added that in shooting Sims Crownover "was in no way acting in furtherance of the company's interest nor in the scope of his employment."

Striking Over In Chattanooga

The dismissal of a white bus driver in connection with the fatal shooting of a Negro passenger in Chattanooga, Tenn. some ten days ago has precipitated what many citizens believe to have been a reprisal strike. A report on the developments to the New York Times shows that some 200 bus drivers refused to return to their jobs last Sunday night, resulting in a tie-up of city transportation, which lasted through Thursday.

It appears that there was a dispute between the Negro passenger and the motorman. The Negro got off the bus and went over to the office of the Dispatcher. The motorman suspecting that he was going to be reported, followed the passenger into the office and asked if that were his intention. Assured that that was his intention, the bus driver shot and killed the passenger then and there.

Negro ministers of Chattanooga, led by the local N. A. A. C. P. chapter, protested the slaying and called upon Company officials to relieve the motorman of his job until the hearings. This the company did and Union officials called a strike.

That is going to be an interesting development to watch. Standing from our distance, we can find nothing in the dispute which could have led to such drastic reaction as to precipitate a killing. And the fact that the motorman got off his bus and pursued the passenger to prevent him from following out an established, orderly method for settling disputes, is all the more shocking. At the proper time the courts will have to determine what will be done to clear up what now appears to be a case of cold, calculating murder.

Soldier Shot—That's Certain—But By Whom And Why Is Still Mystery

TIPTONVILLE, Tenn. — Twenty-one-year-old Pvt. Willie B. Owensby of Tiptonville was recovering in a Memphis veteran's hospital last week from wounds received in a strange shooting here Sept. 20 — that was certain.

But what isn't certain and still a mystery is exactly how and why the young sharecropper's son collected two slugs from a pistol which sent him to the hospital with leg, arm and shoulder injuries.

There are three versions of the incident — the tale of Sheriff J.C. Haynes, accused by Owensby of firing the shots, the account of a prominent white Tiptonville resident who prefers to remain anonymous and the young soldier's own story.

According to the unidentified source, Owensby was not shot by Sheriff Haynes, but by an uncle of the Sheriff, W. C. "Peck" Haynes, who runs the East End hotel for Negroes here. Peck Haynes allegedly attacked and shot Owensby because the latter had not paid him $40 he'd borrowed before being inducted into the army.

Owensby ran in an attempt to get away from Haynes and was shot as he fled the hotel. Due to the fact that W. C. Haynes had shot an aged colored woman a few weeks before, it was decided that the sheriff should take the blame for the shooting, the tipster said.

Owensby was fired at four times, and later faced charges of drunkenness, resisting arrest and assault with a deadly weapon.

Sheriff Haynes said the soldier fired three times at him with a .38 Spain pistol when he sought to arrest Owensby for creating a disturbance. The soldier was on furlough at the time.

The white resident revealed that the .38 Spain pistol, which the sheriff said was used by Owensby to fire at him, is owned by the Tiptonville Chief of police.

Owensby said from a bed in Kennedy veterans hospital that both men had threatened him and he's "been scared of them all of his life." He said he was beaten by "Peck" Haynes and shot by the sheriff. The young soldier said he used to pick cotton on the Haynes farm before joining the army last March. He denied owing "Peck" any money.

The army has been considering possibilities of investigating the soldier's charges.

Found Guilty Of Deputy's Killing

SOMERVILLE—Eugene Williamson was found guilty of first degree murder Friday by a Fayette County Circuit Court jury which included one Negro, Ben Murphy, the first to serve on a Fayette jury since the Reconstruction.

Williamson was convicted in connection with the death of Deputy Sheriff L. E. Roper and sentenced to 30 years imprisonment. A previous life sentence, in April 1950, was reversed by the State Supreme Court on the grounds that too few Negroes were called for jury service for his trial and his rights were, thereby, violated.

Attorney Hughie Ragan, defending Williamson, was given thirty days by Judge Mark A. Walker in which to prepare a motion for a new trial. The death penalty had been asked by Atty. Gen. George C. Watkins.

The 62 year old deputy sheriff, the victim, was shot on July 22, 1949. The shooting was said to occured as he walked in a picnic grounds in the company of Sheriff Buck Graham and Chief Deputy G. C. Graves.

An effort was made by the defense attorney to impeach the testimony of one Jack Pewitt, the only witness for the state, who testified that he saw Williamson shoot Roper.

A defense witness, George Pierce, testified that Pewitt was at his home at the time of the shooting. The trial started Monday morning and closed late Friday night.

13c 1951

Tennessee

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13c 1951

Tennessee (Legal Sentence)

Trial of Pulaski Killers Postponed for 2nd Time

Opp. American Sept. 6-2.-51

By RUFUS WELLS,
AFRO Staff Correspondent

PULASKI—Efforts to bring two white men to trial for the Feb. 6 slaying of Dr. M. A. Santa Cruz, prominent dentist, failed again Tuesday when Judge John S. Draper ordered a postponement until June 27.

13c

The postponement was made to allow J. Warren Messick, defense counsel, time to collect his fee. It was the second action to delay trial for E. Buford Owens, 18, and Charlie Simmons, 20, the accused slayers. The first occurred March 29 when Judge Draper declared a mistrial on the second day of proceedings after it was learned that one juror was ineligible to serve.

As the retrial began Tuesday before some 200 spectators, Mr. Messick requested a postponement until September to give him time to collect his fee. He threatened to withdraw from the case unless it was granted. However, Commonwealth attorney Alton I. Crowell objected to such a long delay and recommended June 27 as the new trial date.

Prepare to Withdraw

Judge Draper then said to Mr. Messick:

"It will be held on the 27th of June. If you don't have your money by then you might as well prepare to withdraw. The case will be tried on that day even if there is no one here but me."

Well-thinking colored and white citizens were shocked by the postponement and made no attempt to conceal their feelings as they left the courtroom.

An elderly white man said:

"I don't see why in the name of God they don't go on and have the trial. This case has been dragging on for four months now. If they are guilty they ought to be punished like anyone else."

Knew It Would Happen

One spectator, who had driven in from Roanoke (60 miles away) to hear the trial, commented:

"I don't know why I came here. I had a feeling this would happen. The state just doesn't plan to press the case. It wouldn't surprise me if they put it aside altogether."

The next day objections to the postponement began appearing in the press. In an editorial the conservative Roanoke Times, a white daily, termed the reason for the postponement " a bit unusual." The editorial continued:

"In view of the prominence of the victim and the indignation rightly aroused over his unprovoked slaying in February, we can't help wondering whether it might not have been better to permit the lawyers to withdraw from the case, since they were so evidently concerned over where their fee was coming from and proceed with the trial with the accused represented by counsel appointed by the court to conduct their defense."

The editorial said further that more than three months have elapsed since the Santa Cruz slaying and "it seems not wholly unreasonable to suggest that there has been time for the defendants to make the necessary financial arrangements with their lawyers."

Slain On Street

The 51-year-old Cuban born dentist was slain on a Pulaski street corner about 6 p.m. Feb. 6 when he sought to protect Misses Evelyn Bland and Marie French, teen-age girls who were being beaten by the defendants.

Owen and Simmons were found guilty of striking the girls and were sentenced to a year in jail and fined $1000 at the police court hearing. They appealed the case.

A third man involved in the slaying is Hubert M. Costigan, 24, a cab driver who allegedly drove the accused killers from the scene. He is at liberty under $1,000 bail on a charge of aiding and abetting slayers and of concealing information from investigating officers.

HERDSMAN CLEARED IN KILLING OF NEGRO

Commercial Appeal

Haywood Countian Says He Fired In Self Defense

Special to The Commercial Appeal

BROWNSVILLE, Tenn., Sept. 3.—A 33-year-old Haywood County white man was cleared of a murder charge in the Sunday night shooting of a Negro man when he appeared before Magistrate Will Mann here Monday.

John King, a herdsman on the Dr. W. D. Poston farm, three miles east of here, said he shot the Negro, Jesse Lee Jones, 26, in self-defense. He said Jones was drunk, cursed him and approached him with his hand in his pocket.

Mr. King said he thought the Negro intended to attack him, so he took a 12-gage shotgun from a nearby truck and shot Jones just above the heart. The shooting took place on the farm where both Mr. King and Jones were employed.

Memphis

George Hall, another white man and the only other witness to the shooting, confirmed King's self-defense plea.

Say It Was Accident

Irate White Citizens Shoot Negro For Burglar Suspect

HOUSTON — A group of citizens, seemingly taking the law into their own hands, apparently shot the wrong man when they shot Hannah Johnson, 26, of 804 East 23rd January 2 as a suspect of burglary at 5820 Larkin.

It has been since learned by officers that Johnson was standing in the 6500 block on Washington avenue, waiting for a bus after getting off from work. A car, carrying three white persons in it, drove up and called him to the car, prior to the shooting.

N. J. Rogers, Johnson's employer at the Shell Service Station, 5435 Old Richmond road, and the attendant in charge, Cecil Holloway, verified Johnson's statement that he was employed at the service station, although the persons responsible for his shooting did not believe him, Johnson told officers.

Mr. Holloway said that he had carried Johnson to the bus line with two other persons, Nelson Edwards, another porter at the station, and his wife, Patsy Lee, that night as was his custom. He said that he had let Johnson out at his bus stop in the 6500 block on Washington avenue and had carried the others on into town where they were to get transportation to their residence at Sandy Point.

The burglary had occurred at 5820 Lakin around the same time as the porters were being carried from their jobs. It was about 10:55 when officers received the burglary call, but it was 11:25 p.m. that the wounded man was carried to the hospital from 18th street and the Hempstead road where he had hitch-hiked after being shot in the leg with a shotgun.

According to Johnson's story, the white people stopped the first Negro they saw. He said that they called to him, "come over here, nigger," and asked him where he worked. He told them at the Shell Service Station, and one of them said "You're a g--d----liar", and shot him in the leg. The other man in the car jumped out of the car and thinking that he too was going to shoot him, Johnson said he fell on this man and tried to hold him while begging not to be shot again. He said that a woman's voice coming from the car, pleaded with the two men not to shoot again. About that time a car drove by and he grabbed the side of it and begged the driver to get him away as "some white people had shot him." He said that he was dragged by the car until the skin was scraped from his legs but that he hung on until the driver got him to the Hempstead road and 18th street where Pruitt and Pruitt ambulance was called and carried him to Jefferson Davis hospital.

Claims Accident

Claming that the gun had been accidentally discharged during a struggle between Johnson and one of the white men, W. M. Clayton of 5746 Lakin, one of the men and brother of Mrs. L. Davis of 5820 Lakin, whose residence had been burglarized, told officers that it was his gun that did the shooting. He said his sister had telephoned him and said that a Negro had burglarized her house. He said that he got the gun and with Robert L. Coleman of 1809 Darling and his sister got into his car and began searching for the Negro.

Coleman said that they stopped Johnson to question him and that they were going to hold him for officers, but that Johnson yanked open the driver's door and started wrestling with Coleman and the gun was discharged accidentally. Johnson was admitted for treatment at the hospital. No charges were made.

Supreme Court Will Review Galveston Negro's Conviction

Washington Bureau of The News

WASHINGTON, March 12.—The United States Supreme Court agreed Monday to review the death penalty conviction of Herman Lee Ross, Galveston Negro, because there were no Negroes on the grand jury which indicted him for the murder of Guido Nesti on June 1, 1948.

The review of the Texas Court of Criminal Appeals decision will be made the week of April 23.

Ross was found guilty of shooting Guido Nesti, keeper of a package store, during a robbery and while the victim was standing with his hands upraised. At the time of his arrest, Ross shot and severely injured two of the arresting officers.

He was found guilty and given the death penalty in a Galveston County district court. The Texas Court of Criminal Appeals, the court of last resort in criminal matters there, first reversed the trial court decision and ordered the prosecution dismissed.

On motion for rehearing by the state, however, the Court of Criminal Appeals set aside its original opinion and affirmed judgment of the trial court.

Attorneys W. J. Dunham of Dallas and Thomas H. Dent of Galveston appealed to the United States Supreme Court.

RANCHER MISSING, TRUCK ABANDONED

Bloody Vehicle Is Found with Bullet Holes

(The Associated Press)

Hernando, Miss., Aug. 2—Officers of Tate and De Soto counties today were investigating the strange disappearance of a manager of a big North Mississippi cattle ranch.

Chief deputy T. B. Hobbs said the missing man is W. W. Childress, employe of the M. P. (Hot) Moore beef cattle ranch at Senatobia. Hobbs said Childress did not return from a trip during which he was looking for a ranch hand Tuesday.

The deputy said Childress' truck was found abandoned on a road near here. The spot is not far from where the bodies of Memphis businessman Charles C. Gerber and his Negro chauffeur were found slain in February, 1948. Those deaths never were solved.

Hobbs said there were three bullet holes in the windshield of Childress' truck and a spot of blood on the dashboard.

"We also found four empty shells on the road in front of the truck," Hobbs said. "They were from a .32 automatic pistol."

"Another strange thing is the key was still in the switch of the truck. Moore fears foul play," the deputy said. "We don't know what to think."

Johnny Lee Morris To Appeal Life Sentence

HOUSTON, Texas — The life sentence handed Johnny Lee Morris, 23, indicted for the knife slaying of a Houston bus driver, will be appealed, his attorneys announced last week.

Morris was sentenced by a jury in Criminal District Judge A. C. Winborn's court last Saturday. The youth claimed he killed bus driver Florinan Nowark, 30, in self-defense.

Henry E. Doyle, a member of Morris' defense counsel, said that a motion for a new trial has been prepared and was to be filed Monday.

According to a lawyer, it is a prerequisite in a murder trial that the state must establish what the victim died of.

Doyle pointed out that nowhere in the evidence was it proven that the bus driver slain by Morris died of stab wounds.

Morris was tried for slaying Nowark on Oct. 11, following a fight with a white passenger.

Doyle said that there should have been a lesser sentence or an acquittal, especially in view of the "almost irreconcilable testimony of the state's witnesses."

Morris and his white wife, Christine Skaritka, 22, were also charged with miscegenation. They were married in Reno, Nev. last August, following a three year friendship.

In Texas intermarriage is a crime punishable by two years in prison.

The state originally asked the death penalty for young Morris in the murder trial.

Supreme Court Reverses Herman Ross Conviction

WASHINGTON, D. C. (NNPA) — Without an opinion, the United States Supreme Court last Monday reversed the murder conviction of Herman Lee Ross in Galveston County, Texas.

The court based its action on a 1949 decision in the case of Cassell vs. Texas in which it condemned the method of jury commissions of selecting for jury duty only such colored persons as were known by them.

Ross was indicted in the Galveston County District Court for murder. Prior to his trial, a sanity hearing was had and he was found to be sane.

Before he went to trial, he filed a motion to quash the indictment because of the exclusion of colored persons from the jury which indicted him. He alleged that thirty years prior to his indictment, no colored person had been appointed as a grandjury commissioner in Galveston County, and only twice in that period had a colored person served on a grand jury in the county—the last time being about ten years prior to his indictment.

The 1940 census showed that Galveston County had a population of 81,173, of whom 17,712, or better than 21 percent, were colored. The grand jury which indicated Ross was colored.

Ross was convicted of the murder of Guido Nesti during a robbery. Attorneys for Ross contended during argument of the case last week that testimony at the sanity hearing should not have been referred to in the opinion of the Texas Court of Criminal Appeals or in the State's brief filed in the Supreme Court.

This testimony of Dr. E. A. Etter was that he had known Ross all his life; that Ross had long been a suffer from tuberculosis and syphilis; that he had been an outcast, a waif of society; that he had a tendency to kill, and that he had never mixed with society or made any contribution to it.

Attorneys for Ross also charged that for twenty-five years the State's attorney saved all of his peremptory challenges to keep colored persons off juries in capital cases. They said that was done in this case in which each side was allowed fifteen such challenges.

The motion to quash the indictment was overruled. Ross pleaded not guilty and also pleaded insanity. He was found guilty of murder and his punishment fixed at death.

The Texas Court of Criminal Appeals on April 19, 1950, reversed his conviction and ordered the prosecution dismisser, but on the State's motion for a rehearing, the court reversed itself and affirmed the conviction. From that judgment Ross appealed to the Supreme Court.

Thomas H Dent of Galveston and W J Durham of Dallas, Texas were Ross' atotrneys.

All White Jury Gives 'Humpy' Ross Death

GALVESTON — After deliberating for approximately forty minutes, an all-white jury, last Saturday, brought in a verdict of guilty against Herman Lee Ross. The death penalty was summarily pronounced.

Attorney Thomas H. Dent, representing the defendant, gave notice of an appeal before the court immediately following the decision, and a later motion for a new trial was filed.

Herman "Humpy" Ross went on trial for the second time Wednesday, July 11, for the murder of Guido Nesti, 60, white liquor store employee, on June 1, 1948. Ross was previously convicted for murder and given the death penalty. However, the conviction was set aside by the United States Supreme Court last April. He was indicted a second time during the April term of the grand jury.

Before the case went to trial last Wednesday, the following things had happened. Thomas H. Dent, defense attorney, had asked for a continuance of trial, and a change of venue. Both had been denied by the court. An application for a sanity hearing was granted by the court, and a jury in the 56th district court found Ross of sound mind. Shortly before the trial began on Wednesday, Attorney Dent filed a motion to quash the trial jury panel on the grounds that Negroes had been systematically and arbitrarily excluded from trial jury service because of race and color. The motion was overruled by Judge Charles G. Dibrell.

The trial was held in the 56th District court with Judge Charles G. Dibrell presiding.

Ross had been indicted for the killing of two men and the wounding of a third, all on the same night. According to testimony introduced at the trial Ross shot and killed Guido Nesti, on the night of June 1, 1948, and fatally wounded City Detective J. W. Reifel. Herman Hall, a Negro detective, was wounded.

Negroes were included on the grand jury commission, the grand jury, and the trial jury panel. However, they were excluded from service during the trial. Atty. Dent protested the exclusion of Negroes from the trial jury on the grounds that it represented racial discrimination. The attorney asked for a change of venue because he said that there was so much prejudice in Galveston against the defendant that he "Could not obtain a fair and impartial trial."

Affidavits signed by J.E. Palmer and S. L. Harrison were attached to the motion. A controverting affidavit was filed by County Attorney Raymond E. Magee.

Indict Man on Charge of Killing Girl, 10

SUFFOLK Va.-(ANP) — A 31-year-old service station attendant, Ulysses Jones, was indicted last week by a special grand jury for attempted criminal assault and murder of a 10-year-old girl.

The victim, Doris Chapman, was the object of a widespread search when she disappeared from her home on March 6. A neighbor of the Chapmans, who saw Jones pick the girl up in his jeep, gave the tip to the police which led to the apprehension of Jones.

Boy, 9, Slays Dad Who Beat His Mother

YORKTOWN, Va.—Scheduled to testify before Trial Justice W. E. Hogg this week is a nine-year-old boy who shot his father because he was beating his mother.

This will be his second appearance before Justice Hogg who heard preliminary testimony last week before turning the youth over to the superintendent of public welfare.

Sheriff A. S. White said the boy admitted shooting his father, Woodrow Johnson, but he quoted the boy as saying he did it because his father was beating his mother.

Kidnapped, Gas-Soaked Pastor Burns to Death

NORFOLK, Va. — Death has claimed the life of the Rev. Joseph H. Mann, 38, whose clothes were soaked in gasoline and then set afire by two white men last Saturday night.

A Congregational minister, the cleric is reported to have preached a sermon recently denouncing racial segregation.

Before his death, the cleric told witnesses that two white men met him on the street and at gun point forced him into a car and then drove to an areaway in the 700 block of Roswell Ave. where they ordered him out.

After hitting him over the head, they poured gasoline on his clothes and then set fire to them.

While one report has it that the Rev. Mr. Mann said that his abductors told him, "we are tired of colored people moving into white neighborhoods," another is that the men told him:

"We want you to help us run some colored people out," and that they set fire to a house at 739 Roswell Ave. and then pushed the minister into the fire.

Put Our Fire With Sweater

Robert Simpson, 27 of 1112 Walker Ave., who helped extinguish the blaze from the Rev. Mr. Mann's clothes, told police that he was standing on the corner when he saw a man in flames come running out of the areaway, and other men were running behind him.

The two men fell over a fence and then ran away, he said, and added that he smothered the preacher's flames with his sweater.

Neighbors put out the blaze at the house and there was small damage to it. Taken to Norfolk Community Hospital where he was treated for first, second and third degree burns of the head, face, neck and both arms, the Rev. Mr. Mann died on Tuesday.

Pastor of Union Congregational Christian Church, for 16 years, the Rev. Mr. Mann was the son of Mr. and Mrs. H. H. Mann of 1405 Calvert St. and has a son, Pvt. Joseph Mann Jr., 16, stationed in Georgia. He lived at 948 E. Princess Anne Rd.

Born in Pamlico, N.C., he was educated in North Carolina and later attended Virginia Union University and a ministerial college in Franklin. He began preaching at the age of 16.

Police Investigate

Police who are investigating what they term the "Mysterious burning," say that no one saw the alleged kidnapping which was made on a brightly lighted, well-traveled street and that no one heard any disturbance before the minister ran into the street in flames.

The investigators have disclosed that the preacher's charred hat was found in the alley along with some gasoline-soaked towels.

Luther Fletcher who lives at 739 Roswell Ave., where the fire was set, explained that he has known the Rev. Mr. Mann for a number of years.

Police Seek Witness In Va. Pastor's Death

NORFOLK, Va.—Police were busily searching this week for star witness "Robert Simpson" who hasn't been seen or heard from since the mysterious gasoline-fire-death of the Rev. J. H. Mann, pastor of the Union Congregational Church.

The Rev. Mr. Mann died of burns last week in Norfolk Community Hospital. He was the victim of a gasoline fire in the 700 block of Rosewell Street. The missing witness is said to have helped put out the fire with his sweater when the Rev. Mr. Mann, with clothing aflame fled into the street from an alley-way.

Virginia Dentist's Slayers Get Short Sentences

PULASKI, Va. — It took an all-white jury one hour and fourteen minutes last week to decide that two white youths here were guilty of slaying Dr. M. A. Santa Cruz, local dentist, before Judge John S. Draper sentenced the pair to five years each in prison.

Bonds were set at $10,000 each for the youths, Charles Simmons, 18, and E. Buford Owens, 20, as their attorney gave notice of appeal. The Commonwealth had charged that the convicted men had killed Dr. Santa Cruz when he protested against their molesting two Negro girls, Marie French, 14, and Evelyn Bland, 18, last Feb. 6.

Indict Bellman

RICHMOND, Va. — Robert Frazier, jr., a 25-year-old bellman at Duesen hotel has been indicted here on a charge of murdering a white guest at the hotel last July.

Police Fail To Solve The Gas-Burning Of Minister

NORFOLK, Va. —(ANP)— After two months of investigation Norfolk police last week had not solved the mysterious gas-burning death of the Rev. Joseph H. Mann on Saturday night, May 26.

It was still not known whether two white men were involved as a first reported to police by the victim or some Negro enemies of the minister.

An endless chain of rumors and stories "tell" how the pastor of Union Congregational Christian church came to his death. He was seen running from an alley between 737 and 739 Roswell Ave., about 11 p. m. May 26 with his clothes in a blaze. He stumbled over a low fence in front of 739 and fell on the sidewalk.

Two men used an old sweater and other clothes to extinguished the blaze. When police arrived, the minister was still lying on the side walk continuously talking. He told police that two white men stopped him about 10:30 p. m. at the corner of Landing St. and Olney Rd., as he was going to get something to eat. They forced him into their car at gun point, he said, carried him to the 700 block of Roswell Ave.

The men are reported to have told the minister they forced him to do and wanted him to run Negroes out of the Brambleton section

It was reported they carried him to the alley where he was found. There, the minister said he heard an explosion after which a fire started. He said the men tried to push him into the fire.

Within two days one of the men who was reported to have helped extinguish the blaze on the minister's clothing could not be located. On the night of the fatal burning the man told police that his name is Robert Simpson and that he resided at 1112 Walker Ave.

A few days later, however, the real Robert Simpson went to police headquarters to explain that he was not on Roswell Ave., on the night of May 26 and knew nothing first hand about the burning of Rev. Mann. The other "Robert Simpson" hasn't been located by police since May 26.

Tenant Farmer Slays 3 In White Family, Kills Self

WARSAW, Va. — Hard feeling which police say had existed between Moses Gordon, 26, colored tenant farmer, and his white landlord, Grover C. Webb 2nd, flared into a tragedy Friday afternoon in which four persons died—three murdered and one a suicide.

While Webb was away from home, the disgruntled Gordon emerged from the bushes in a farmyard near here and shot to death Mrs. Webb and two of the couple's three young children. He wounded a third child.

The slayer then went to his mother's home and a short while later inflicted a fatal wound in his own chest.

* * *

THE 34-YEAR-OLD Mrs. Webb, police reports state, was peeling apples when the killer approached. One shot from his single-barrelled 12-gauge shotgun killed her. Two other blasts killed 7-year-old Grover Webb 3rd. and his 4-year-old brother, William.

The sister, Shirley Ann Webb, 9, was wounded in the neck and shoulder as she ran from the scene.

Later she told authorities that as he stepped from the bushes, Gordon said, "I'm going to shoot you all," then fired as the terrified family members ran in various directions in their efforts to flee.

* * *

WEBB, THE HUSBAND and father, was in Richmond selling tomatoes from their farm when the killings occurred shortly after 3 p.m. He did not learn of the tragedy until arriving home at night.

Authorities said ill feelings had existed between Webb and Gordon, who rented part of the Webb farm between here and Lyells. Gordon was fined during the same week on a disorderly conduct charge brought by Webb.

Willard Balderston, who lives with the Webbs, ran to the death scene from a nearby tomato patch when he heard the shots. He picked up Shirley Ann and carried her to a nearby farm.

The killer went to his mother's house after completing the deadly mission and fired the gun into his own chest. He died at 7:35 p.m. in St. Philip Hospital in Richmond.

Torch Victim's Death Still Mystery; Witness Fades...

By Thomas L. Dabney

NORFOLK — The mystery surrounding the origin of the gasoline fire in the 700 block of Roswell avenue last Saturday night which caused the death of the Rev. J. H. Mann, 38, was still unsolved by police this week. Rev. Mr. Mann died of burns at Norfolk Community Hospital about 1:50 a. m. May 29. The funeral was held Friday at 1 p. m. at Union Congregational Christian Church which Rev. Mr. Mann pastored.

One question often asked by Brambleton residents is: Did the white man who is alleged to have caused a disturbance in the 500 block of Clay avenue on last Saturday night and who was reportedly beaten, join another white man and take revenge on Rev. Mr. Mann?

The most startling development in the gasoline fire death of Rev. Mr. Mann is the mysterious disappearance of a star witness to the burning of the minister, who dientified himself as Robert Simpson He was reported to have helped put out the fire with his sweater. He hasn't been seen or located since.

Rev. Mr. Mann was reported to have told Sgt. L. L. Jones Saturday night that he was stopped at the corner of Olney road and Landing street at gun point by two white men in a car and forced to get in the vehicle. They carried him to an alley in the 700 block of Roswell avenue, according to the preliminary report at police headquarters, and forced him at the point of a gun to go into the alley with them.

* * *

AFTER ENTERING the alley, according to the report, the minister heard an explosion, a fire started, and the alleged kidnappers attempted to push the victim into it.

While it was not known that Rev. Mr. Mann had any ene-

REV. J. H. MANN

mies, police records revea that he was arrested in November, 1942 on a charge of threatening to do bodily harm in a domestic case. Lt. R. A. James, who made the disclosure Thursday morning to the Journal and Guide, added that the case was continued indefinitely.

Several questions were still unanswered as to how the minister, a native of Pamlico, N. C., was set afire in the alley between 737 and 739 Roswell avenue. The most important ones seem to be the following:

1. Who threw gasoline on the north side of the residence at 739 Roswell avenue on Saturday night around 11 o'clock?

2. What was the motive of the person or persons who reportedly doused the house and Rev. Mr. Mann and set him afire?

Did the white man, who is is alleged to have caused a disturbance in the 500 block of Clay avenue on the same Saturday night and was reportedly beaten, join another white man and take revenge on Rev. Mr. Mann?

4. Who was the "Robert Simpson" who allegedly told Sgt. Jones Saturday night that he resided at 1112 Walker avenue and had left 735 Roswell avenue where he had been on a visit when he saw Rev. Mr. Mann run out of an alley afire after two men ran out ahead of him?

Mr. Simpson was supposedly standing at the corner of Olney road and Roswell avenue, three doors from 739 when the minister fled from an alley.

SGT. JONES told the Journal and Guide on Wednesday afternoon that there were several discrepancies in the accounts of witnesses who said they saw the burning minister run out into the street. By Wednesday some people showed a reluctancy to talk about the fire and the minister.

An unidentified woman aeross the street on Saturday night, according to a report, that she saw the burning minister come out of an alley, but she saw no one preceding him. However, a man who identified himself to Sgt. Jones as Robert Simpson of 1112 Walker avenue, reportedly told the officer that he was standing at the Corner of Olney road and Roswell avenue when he saw the preacher come out of an alley afire. He said the victim was preceded by two men. Mr. Simpson also said he had just left 735 Roswell avenue where he visited Thomas Ricks.

This reporter was unable to find the Robert Simpson at the Walker avenue address who is alleged to have talked with Sgt. Jones on Saturday night and gone to the hospital when the police wagon carried Rev. Mr. Mann there for treatment of first, second and third degree burns.

WHILE THIS reporter was at the Walker avenue address trying to identify the first Robert Simpson, the second one, who resides at 1112 Walker avenue was at police headquarters explaining to Sgt. Jones that he was not the Robert Simpson referred to in reports of the fire and Rev. Mr. Mann's' burning.

To make matters still more mysterious, when this reporter phoned Mr. Simpson after he returned home, he said he didn't know Rev. Mr. Mann, whereas the other Mr. Simpson said he had known the minister for many years and helped to put him out with his sweater.

The second Simpson, who told me he was 27, the same age the other Simpson is alleged to have given to officers, said he did not visit at 735 Roswell avenue Saturday night. The fiirst Simpson is alleged to have visited at that address. Who the first Simpson is has Sgt. Jones baffled, but he said Wednesday afternoon that he would recognize him if he saw him again.

* * *

A THIRD discrepancy is the report that Rev. Mr. Mann had been beaten and especially that he was struck a blow on the head by his alleged assailants. Dr. James Boyd, of the surgical staff at Norfolk Community Hospitl, who treated the victim, said there was no evidence of any head injuries other than those which resulted from the fire.

Race frictian as a motive for the acts of the alleged kidnappers has been played up in some out-of-town newspapers about Rev. Mr. Mann's misfortune. The case has attracted nationwide attention and calls have been received at police headquarters as to the probable racial angle of the burning of the minister.

The racial angle gained more potency here this week with the circulation of reports that a white man caused some disturbance in the 500 block of Clay avenue Saturday night between 10 and 10:45. Early Thursday morning Joseph Lee, who resides with his wife at 512 Clay avenue with Mrs. Frank Denson, admitted that a white man entered the house Saturday night, but he gave no details as to what happened or why the man made the visit. He entered an open door in the back of the house, it was reported.

* * *

THE SAME MAN, who was unidentified, went across the street to 513, walked in the house and began banging on the kitchen door. According to Leroy Fentress, 39, who resides at the house. The man is alleged to have said he was looking for a person on Brambleton avenue.

Mr. Fentress said he told him he was on the wrong street. As the man left, he kicked through the glass door and broke it. Mr. Fentress said the man looked as if he might have been doped. There was a free for all fight in the street and when the alleged intruder got lose, he ran down the street, Mr. Fentress said, but was taken into a car by a white man who was driving a green 1949 or 1950 model Ford coupe, Mr. Fentress reported Tuesday evening. The men drove out toward Brambleton avenue, he said.

There was some speculation in Brambleton during the week as to whether the same two men decided to get revenge for what happened on Rev. Mr. Mann who happened to run into them.

* * *

THIS GUIDE reporter made a check with persons in twelve white homes in Brambleton on Monday. The first white person contacted gave an answer similar to that given by all other white people as to how well they were getting along with their colored

No Inquest Made By City Coroner

Although Rev. Mr. Mann's death was presumed to be murder, the Journal and Guide learned Thursday afternoon that no inquest or autopsy had been made by the city coroner's office nor a detailed report made on the minister's death.

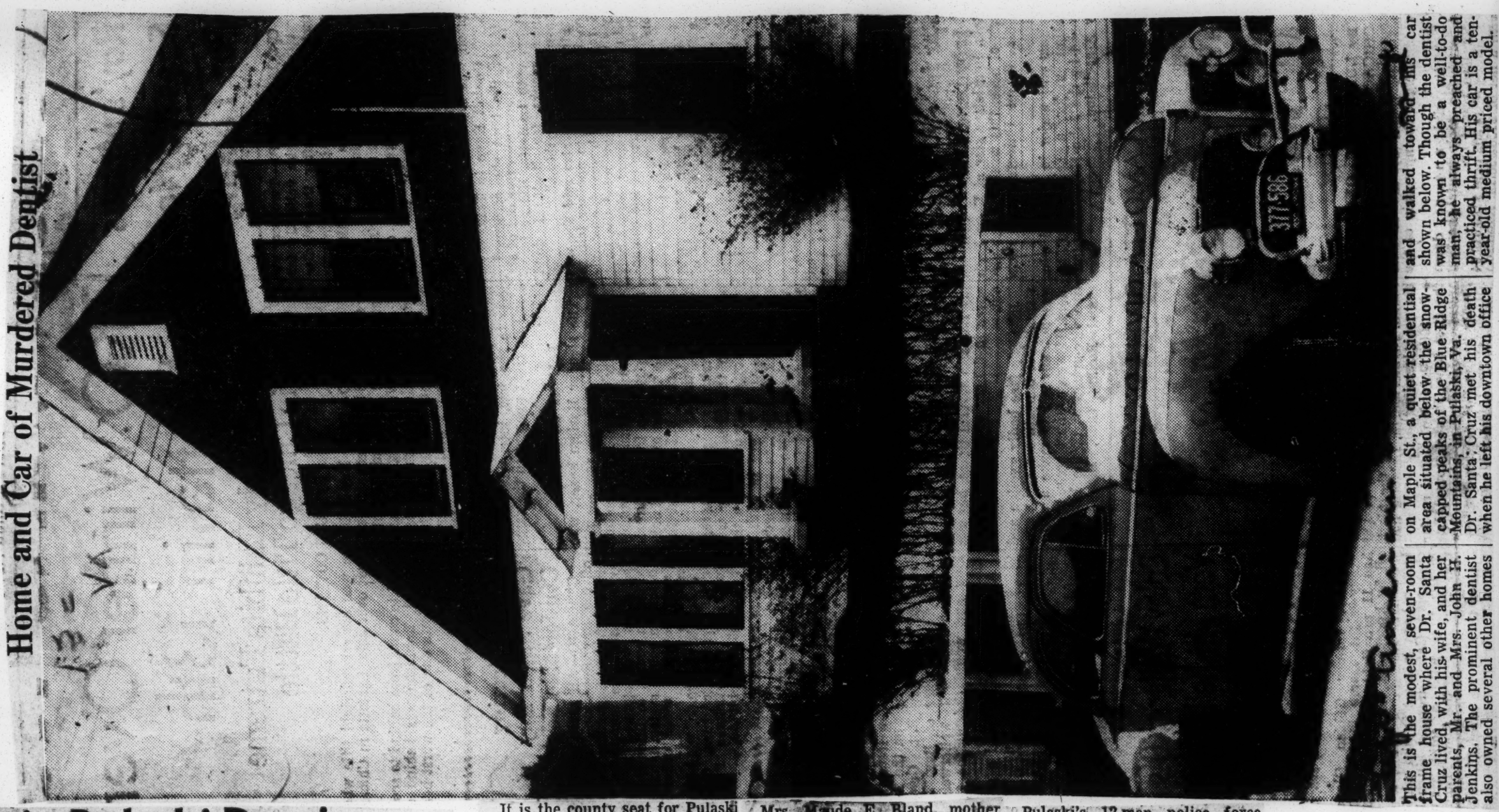
Dr. C. D. J. MacDonald, city coroner, informed the Journal and Guide that in cases where the death of an individual is so obvious as in Rev. Mr. Mann's case, the state does not require that an autopsy be made.

Widow Asks $15,000 Damages From Man Who Ambushed Mate

HALIFAX, Va. — Mrs. Louise Harris, widow of the late Thomas Harris who was slain from am bush last Monday, last week filed suit for $15,000 damages against the man who is charged witl the slaying of her husband.

The suit against Harold Dixon, who slew Harris as authorities returned him to the spot where he allegedly attempted to criminally assault Dixon's teen-aged sister, was filed in the names of Mrs. Harris and her two young children.

During the cross-examination at Dixon's hearing Wednesday testimony was given to the effect that the Dixon family had been informed that police were taking Harris to the scene of the alleged crime. Dixon, who pleaded not guilty, was released on $3,000 bond.



Home and Car of Murdered Dentist

This is the modest, seven-room frame house where Dr. Santa Cruz lived, with his wife, and her parents, Mr. and Mrs. John H. Jenkins. The prominent dentist also owned several other homes and walked toward his car shown below. Though the dentist was known to be a well-to-do man, he always preached and practiced thrift. His car is a ten-year-old medium priced model.

Slain Pulaski Dentist Mourned as Institution

By RUFUS WELLS
AFRO Staff Writer

PULASKI, Va.—In this textile town, nestled high in the snow-capped Blue Ridge Mountains, Dr. M. A. Santa Cruz, 51, was more than a dentist and civic leader. He was an institution.

Successful, easy-to-meet, and helpful, Dr. Santa Cruz symbolized for colored and white citizens here, all that was good and right.

He was, in a large measure, responsible for the amicable relations between the races here.

The Town and Its People

To understand the scope of his influence you have to know something of the town and its people. Pulaski is located about 40 miles south of Roanoke, Va., 1900 feet above the sea level. It has a population of 12,000, 1,200 of whom are colored persons.

Furniture making plants and the textile mills are the main industries, but Pulaski also has a plant employing 1000 persons, which makes television cabinets, and several chemical and dye plants.

It is the county seat for Pulaski County, which has a total population of 30,000, 10 per cent of the residents colored.

There is one newspaper in Pulaski the Southwest Times, an evening paper with 5000 circulation. It is published by Howard Imboden, a fair-minded independent Democrat who is also mayor of the town.

And One Physician

Dr. Santa Cruz was the only colored dentist in town. There are 18 white dentists. There is one colored physician, Dr. P. C. Corbin, who is also president of the county NAACP.

The teen-aged girls Dr. Santa Cruz was trying to help when he was killed are typical of the young people he had known and aided since he moved to Pulaski from Hampton, Va. in 1928.

Mrs. Maude E. Bland, mother of Miss Elaine Bland, one of the girls involved, had this to say

"Dr. Santa Cruz was always to come when help was needed. He loved children, though he didn't have any of his own, and was especially devoted to Evelyn, ever since she was a baby. He used to call her "that young'un."

Miss Bland, and her companion at the time the dentist was killed, Miss Marie French, were very upset over the tragedy. They cried hysterically and felt responsible for the dentist's death.

Not Their Fault, Girls Told

Commonwealth Attorney Alton I. Crowell went to the girls' home and tried to console them. He explained that the slaying was an "act of God" and that the girls could not have prevented it anymore than he could have.

Pulaski's 12-man police force has been commended by the mayor for its swift action in the case. Within 24 hours after the slaying two suspects, one 18, the other 20, had been arrested and charged.

The third man, Hubert M. Costigan, 24, a cab driver, was arrested later and charged with being an accessory.

Mayor Imbeden kicked off the drive to raise funds with which to employ a lawyer to assist Prosecutor Crowell in the case. Colored and white citizens rallied to support the cause. It seems they all felt they owed something to Dr. Santa Cruz and his survivers.

Choice to Rest With Widow

When I left Pulaski late Friday night, it had not been decided what lawyer would be engaged. The decision would rest with Mrs. Kathleen Jenkins Santa Cruz, the widow.

The talk around the barbershops and drug stores in town was that the lawyer would probably be one of three men

Oliver W. Hill, former Richmond city councilman, and NAACP attorney;

Reuben E. Lawson, Roanoke attorney and member of the Virginia NAACP legal staff, or

Joseph G. Travis, city councilman and lawyer of Welch, W.VA., who is a native son of Pulaski.

Slaying Seen by 2

Commonwealth's Attorney Crowell said, whoever is chosen, he will be "happy to have" the asistence of a special prosecutor in the case.

Among eyewitnesses to the slaying of Dr. Santa Cruz were Charles Stewart, veteran barbershop proprietor, and Bud Kirns. They were seated in Stewart's car at the intersection waiting for the traffic light to change when the white youths rushed across the street amd attacked the doctor.

Mr. Stewart said

"It was over before we knew what was happening. The car windows were closed but we could hear Doc's head when it hit the pavement."

The men chased the fleeing cab in their car and obtained its license number before losing it in the downtown traffic.

They turned the tag number over to investigating officers.

Other citizens of both races volunteered information to police headquarters, and expressed willingness to testify.

SHAKE IN GRASS

Definition of a Hula dancer A shake in the grass.

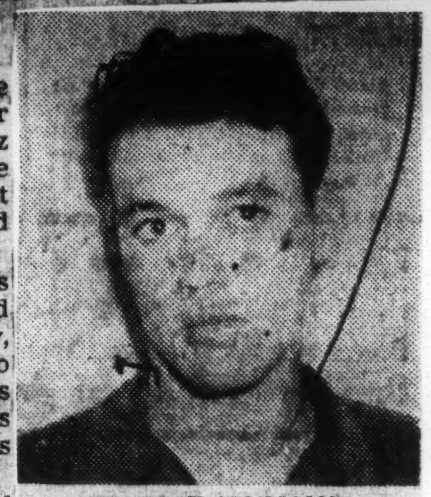
Sentenced for Molesting Teen-Age Girls, Face Murder Charge

Santa Cruz Slayers Guilty of Attacks

PULASKI, Va.—The two white men charged with the murder last week of Dr. M. A. Santa Cruz waived preliminary hearings here Friday and their cases were sent on to the Pulaski County Grand Jury.

However, the men, Charles Simmons, 20, and E. Buford Owen, 18, were found guilty, fined $100 each and sentenced to twelve months in jail on charges of assaulting the teenage girls whom Dr. Santa Cruz gave his life to protect.

Simmons pleaded innocent and Owen pleaded guilty to the assault charges.

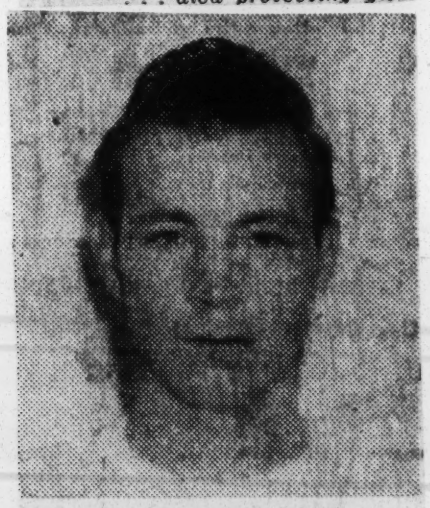


CHARLIE SIMMONS
. . . helped kill dentist

On the grand jury murder charge it will be contended that the doctor was murdered as he attempted to prevent an attack on one Negro girl, 14, while another, 17, argued with the men.

Citizens here, white and Negro, have been incensed by the crime and have gone so far as to raise a fund for the prosecution of the men.

DR. M. A. SANTA CRUZ
. . . died protecting girls



E. BUFORD OWEN
. . . held for murder

Is There Something 'Funny' In Pulaski?

Afro American Dat. 4-14-51

13 E Va Legal

By RUFUS WELLS
(AFRO Staff Writer)

PULASKI, Va.—Is the State of Virginia simply going through the motions of a trial for the two men who killed Dr. M. A. Santa Cruz, prominent dentist and civic leoder?

This question has been asked of me hundreds of times since I left the Pulaski County Circuit Court here March 30 after Judge John S. Draper declared a mistrial in the hearing of two white men charged with the slaying.

The question, which arises in the minds of people throughout the nation, is prompted by several unusual, if not questionable, aspects of the celebrated murder case.

The first indication that something was amiss in the prosecution of the case was given in this newspaper four weeks before the trial. B. T. Gillespie, AFRO Virginia correspondent, wrote: "watch out for legal shennanigins at the March 29 trial for accused slayers of Dr. Santa Cruz."

The predicted "shennanigins" began almost as soon as the trial was under way.

Alton I. Crowell, commonwealth prosecutor, in his opening statement to the all-white jury, said he would ask for no specific conviction "at this time." He emphasized that he would let the evidence show the facts and stated that he wanted a fair trial and not vengeance.

On the other hand, T. Warren Messick, Roanoke defense attorney, told the jurors that the evidence would not support the murder charge against his clients, E. Buford Owen and Charley Simmons.

Called His 'Friends'

He termed the killing an "unfortunate occurrence" and went so far as to say the defendants were "friends" of the slain dentist.

Mr. Crowell's failure to ask for a specific conviction and his statement that he would not attempt to sway the jury by "either malice or sympathy," are interpreted by many observers as an indication that the State will not press for a conviction on a first - degree murder charge as handed down by the grand jury.

Discipline Lax

In my experience covering criminal courts in various parts of the country, I have never seen a courtroom where the discipline was as lax as during the Santa Cruz murder trial.

The dignity that is characteristic of American courtrooms was sadly lacking.

The defendants drank coca colas given them by friends as the trial progressed.

Some of the jurors also drank cokes, or smoked cigarettes in the jury box. And the spectators smoked pipes, cigarettes or cigars.

Accused With Relatives

The accused slayers sat holding hands with relatives. Though four uniformed policemen were in the courtroom, none appeared to have special custody of the prisoners.

There was nothing to prevent the accused slayers from walking out of the courtroom, had they wanted to.

This was the carnival-like atmosphere of the trial. And the impression I received was that the State of Virginia had accused two men of murder, and was now simply going through the motions of a trial, possibly to prevent the invokement of Federal civil rights laws.

Closed-Door Meetings

Moreover, the trial was marked by numerous closed - door conference for the judge and attorneys for the prosecution and defense. The defendants also attended these talks in the judge's chamber.

I tried to compare the prosecution of this case with that of the Marinsville Seven, and found no asking "no specific conviction," yet in the Martinsville case the State requested, pressed for, an was granted the maximum penalty.

Reason Still Mystery

Then there was the mystery surrounding the mistrial. Of course, a judge has the right to withold details leading to the declaration of a mistrial. It is generally believed that the mistrial was declared because one juror had expressed an opinion about the case before the trial began.

The prosecution's apparent unwillingness to press the charges, the courtroom laxity and the mystery surrounding mistrial have combine to jam the qestion is so many people ask:

Is Virginia attempting to whitewash the Santa Cruz murder?

The answer will begin at the retrial scheduled for May 23.

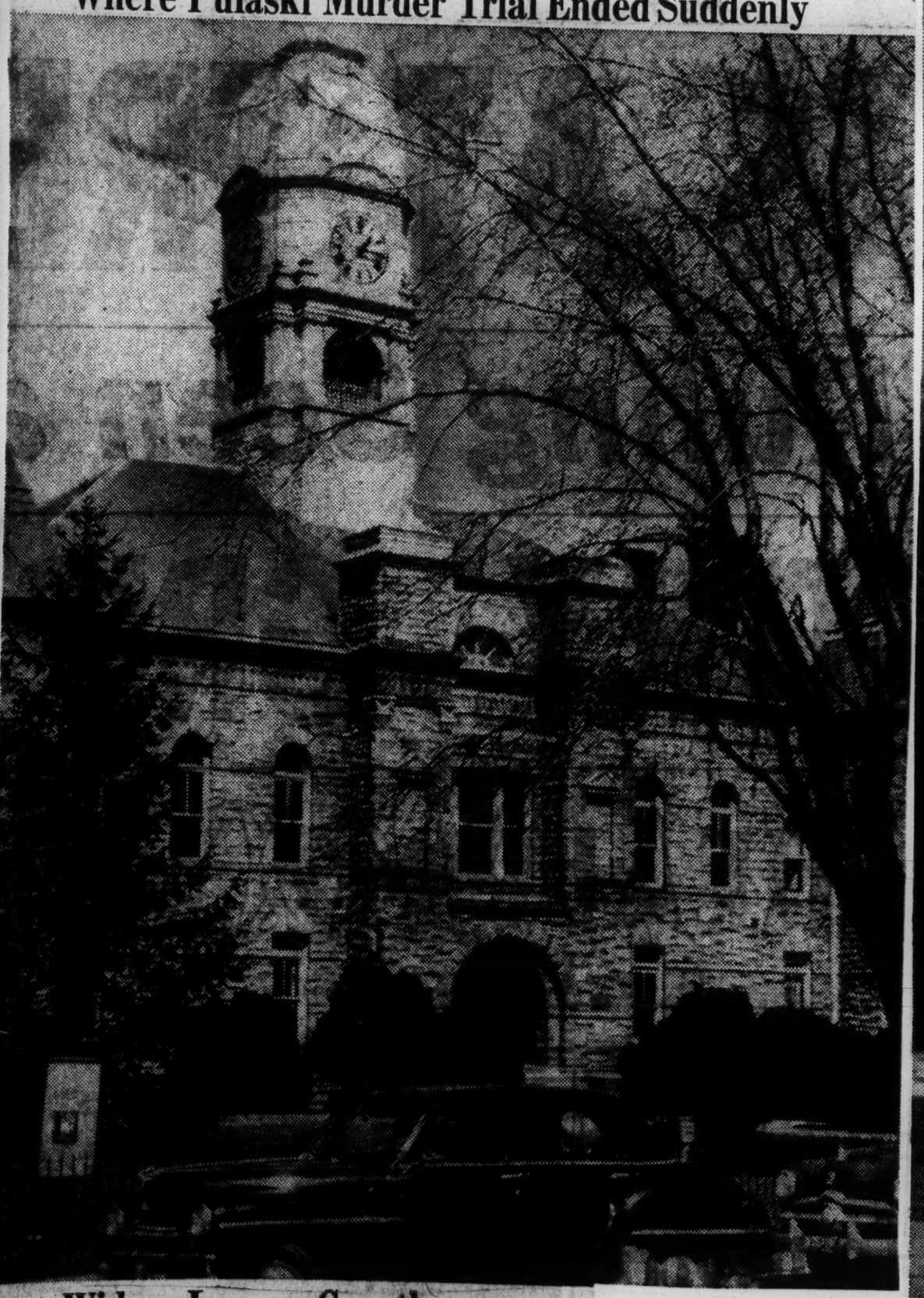
Man Gets 12 Years For Killing

RICHMOND, Va. — George Robert Frazier Jr., a 21-year-old Negro and former bellman at Hotel Reuger, was sentenced to the penitentiary for twelve years for shooting a white man, a guest of the hotel.

Frazier admitted the shot and killed Homer Robert Cary at Bedford County, in a hotel elevator last July 22, but pleaded self-defense. He said he pulled a pistol and fired when Cary put his hand in a pocket. He said he thought the white man was going to produce a weapon.

The two men had argued over some whisky. Frank Cary, brother of the slain man, testified that he and his brother had paid some bellman $14 for some whisky, but that it had not been delivered to their room. He said he and Homer were on their way to the lobby to complain when the shooting occurred.

Where Pulaski Murder Trial Ended Suddenly



Widow Leaves Courthouse

Above is the Pulaski County Courct House where trial was begun for two white men accused of killing Dr. M. A. Sanna Cruz. After a day and a half of typical backwoods courtroom activity, a mistrial was declared because one juror was found ineligible to serve. Judge Draper set May 23 as the date for the retrial.

(AFRO Staff Photo by Wells)

Shown leaving the Pulaski County Court House are Dr. William S. Hart, Hampton, Va. dentist and brother-in-law of the slain Dr. Santa Cruz, and Mrs. Kathleen J. Santa Cruz, the widow.

(AFRO Staff Photo by Wells)

Pulaski Turns Out for Trial

No Curiosity-Seekers, All Serious Listeners

By RUFUS WELLS
(AFRO Staff Writer)

PULASKI, Va.—The citizens here turned out in full force for the trial of beloved Dr. M. C. Santa Cruz. They came in blue overalls, and heavy work shoes, direct from the farms surrounding this county seat.

Some wore plaid sport shirts, open at the collar, others lumber jackets and business men came in neatly pressed suits.

The spectators were a cross section of a small mountainside community. Three fourths of them were men. Their ages ranged from 18 to 80.

Not Curiosity-Seekers

It was not the "curosity crowd" that usually follows a murder trial. These people had something at stake. They want to see if Pulaski County had progressed to the point where it had one brand of justice. Most of them were skeptical.

A gray haired man said: "I doubt if they the defendants serve over 18 months. These white people just won't punish their own peoples for crimes against us."

Hushed Silence

On Thursday morning, while Venire was being assembled from which to select a jury, the spectators were restless and talkative. But when testimony began, a hushed silence fell over the court room.

It wasn't the details of the crime they wanted to hear. These had been told and retold in the newspapers. They were unterested in the outcome and when Judge S. Draper declared a mistrial, Friday morning, the spectators made no attempt to hide their disappointment. Many of them walked out before the court was adjourned.

Judge Halts Trial

Giving No Reason

Mistrial Declared for Two Charged in Dentist's Death; Reason Mystery

By RUFUS WELLS

PULASKI, Va.—Judge John S. Draper on Friday declared a mis-trial in the case of two white men charged with the slaying of Dr. M. A. Santa Cruz, because of the ineligibility of a juror.

The surprise ending came at 10:13 on Friday, the second day of the trial. Date for re-trial was set as May 23.

In a prepared statement read to the jury after an hour-long closed door conference with defense and prosecuting attorneys, Judge Draper declared:

Reason Not Revealed

"Gentlemen of the jury: from matters presented to the court it appears that it will be necessary in this case to declare a mis-trial.

"The matters have been called to the attention of the court and this course has been determined upon and has been agreed to by both the commonwealth and the gentlemen representing the defendants. I, therefore, direct the withdrawal of one juror and the declaration of a mis-trial.

"I want to say further that the mistrial is declared for reasons satisfactory to the court. Concerning matters occurring prior to the beginning of this trial and through no fault of the defendants or counsel for either the commonwealth or the defendants."

Shock to Spectators

Judge Draper declined to comment further on the statements. Approximately 150 spectators in the courtroom were shocked by the sudden ending of the trial. They gathered in small groups in corridors and talked over its significance. Most felt that it was "just another delaying action."

The jury was selected at 3 p.m. Thursday and the trial began with defense attorneys declaring that murder was not involved in the death of the prominent dentist.

In his opening statement, to the all-white male jury, J. Warren Messick of Roanoke said the evidence would not support the murder charge against E. Buford Owen and Charley Simmons. He contended that the youths had been drinking the night on Feb. 6 and that the dentist's death was involuntary manslaughter.

Commonwealth attorney Alton I. Crowell said he wanted a fair trial for the defendants and "not vengeance."

Coroner Testifies

First to testify was Dr. R. F. Thornhill, Pulaski county coroner, who suggested that Dr. Santa Cruz be taken to Roanoke Hospital for an emergency brain operation.

Next, Dr. Charles M. Irvin, Roanoke coroner told the jury that death was caused by a fractured skull and a brain hemorrhage. It would require a violent blow to sustain such an injury, he added.

Miss Evelyn Bland, one of the teen-age girls the dentist was defending when he was killed, took the stand next. She told how the doctor intervened when the two hoodlums assaulted her and Miss Marie French on the street.

Miss French corroborated her testimony.

On cross examination Mr. Messick repeatedly attempted to confuse the girls and make them change their testimony but they

Their Trial Halted

E. Buford Owen, left, and Charley Simmons, whose trial for the murder of Dr. M. A. Santa Cruz in Pulaski, Va., was halted suddenly on Friday. At the time of their arrest, police described them as 'hoodlums.'

maintained their composure. He persistently fired questions at the witness until Judge Draper interceded.

Addressing Messick the judge said:

"Why unduly draw out an examination with the same question? You have a perfect right to use a reasonable time, but you are not to make the deductions, the jury is, and I am not going to permit asking of the same questions."

Humorous Note

Humor was injected into the tense trial during Miss French's testimony, when she was asked if Simmons was running as fast as he could when he crossed the street to strike the dentist.

"I don't know, because I don't know how fast he can run," she answered.

Simmons has a slight limp which was frequently referred to by defense counsel. John Psaki, who assisted Messick with the defense, asked Miss French: "Did you see the Simmons boy run?" Yes." "Do you know that he can run?" Miss French replied, "He was running that night."

PORTER SUES RAILROAD

CHICAGO (ANP) — The Illinois Central railroad has been sued for $5,000 by James Willis, a porter, who charges he was beaten aboard a Mississippi-bound train.

Courtroom Discipline Lax at Trial

PULASKI, Va. — The dignity which characterizes most American courtrooms, was lacking in the Pulaski County Circuit Court when two white men went on trial here last week, for the brutal slaying of Dr. M. A. Santa Cruz.

The defendants, E. Buford Owens and Charley Simmons, sat drinking coca colas that had been given them by friends.

The jurors also drank cokes or smoked cigarettes while the court was in session.

Prisoners Free to Leave

And the spectators talked among themselves, puffed on pipes or smoked cigarettes.

Four uniformed policemen were in the room, but none appeared to have custody of the prisoners.

The defendants sat with relatives and could have walked out of the courtroom had they wanted to.

Dignity Forgotten

This was the background of the trial.

The solemn dignity of the American courtroom was not present.

When the "trial" was suddenly halted by Judge John S. Draper, Friday morning, it was obvious to even the casual observer that the ends of justice could hardly be met under such carnival-like conditions.

Pulaski Negro Dentist Dies After Assault by Youth

By the Associated Press

PULASKI, Va., Feb. 7.—A Negro dentist died last night after he was assaulted near his office.

Dr. M. A. Santacruz, about 50, was dead on arrival at the Burrell Memorial Hospital in Roanoke. Pulaski police arrested Charlie Simmons, 20, in connection with the attack.

Police Lt. Earl Bouldin said Dr. Santacruz was struck while attempting to phone police about an argument Simmons and Buford Owens, 18, were having with a Negro girl near the doctor's office.

Owens was charged with striking the girl.

Simmons and Owens are white.

Beaten to Death by 2 Whites

(Special to The Courier)

PULASKI, Va.—Citizens of both races are rallying in this corner of Virginia in behalf of the late Dr. M. A. Santa Cruz, prominent local dentist, who was beaten to death by two white men last Tuesday night. On Monday the grand jury will consider murder charges against the two men.

White and colored citizens have started a fund to engage special counsel to assist the state in prosecuting the highly respected dentist's slayers who were arrested last Wednesday.

ARGUED OVER GIRL

Dr. Santa Cruz was slain, according to police, when he tried to telephone them about an argument between the two white men and two young Negro girls, one, 14, the other 17. One of the men, E. Buford Owen, 18, is being held in connection also with an assault on the 17-year-old girl.

A third white man, Hubert M. Costigan, 24, a taxi driver, has also been arrested and charged with leaving the scene and concealing information. Charlie Simmons, 20, is the other white man held in direct connection with the fatal beating of Dr. Santa Cruz. The grand jury will hear charges against Simmons and Owen and assaulting the 14-year-old girl.

The two men had intimidated the girls and an argument ensued, with one fo the men pushing the head of one of the girls against a stone wall. Dr. Santa Cruz, observing the altercation and words, went to a telephone to call police. It was then that the white men followed him, pulled him away from the phone, according to police and beat him.

Pulaski's Mayor Howard Imboden called the assault on Dr. Santa Cruz an "unprovoked act." He declared that "the law enforcement agencies are taking every step that they should to see that those responsible are properly punished." "I am proud of the fact that our citizens acted calmly in a situation which might have stirred up a serious aftermath," he added.

DEAD ON ARRIVAL

Following the attack on him, the dentist was rushed to a Roanoke Hospital, but was pronounced dead on arrival.

The fund-raisers said Dr. Santa Cruz's family will be asked to pick the special prosecutor and commonwealth's attorney Alton I. Crowell said he would be "happy" to have assistance.

A graduate of Howard University, and Serris Institute in Michigan, Dr. Santa Cruz came here in 1928 after teaching at Hampton Institute. He was active in civic affairs.

DOUBLE FUNERAL

A funeral service was held for the dentist Saturday at the First Methodist Church here. A graveside service was also held at the Hampton Institute Cemetery at Hampton.

Pulaski Jails 2 Hoodlums in Dentist Death

PULASKI, Va. — Law enforcement officials here moved swiftly this week to make sure two white hoodlums who killed a prominent dentist in cold blood, would be in safekeeping to face charges in connection with his murder.

Convicted in trial magistrate's court last Friday, Charlie Simmons, 20, and E. Buford Owne, 18, were sentenced to a year in jail and fined $100 for the assault on two teen-age colored girls which preceded the murder of Dr. M. A. Santa Cruz, who came to their defense.

Dr. Santa Cruz, prominent dentist and civic leader, was slain when he intervened as the youths struck Miss Evelyn N. Bland, 17, and Miss Marie French 14.

Cabbie Under $1000 Bail

The third man arrested in the case, Hubert Matthews Costigan, 24-year-old cab driver, was released in $1000 bail following a preliminary hearing on a charge of aiding and abetting the other youths to escape after they had committed a felony.

Bail was set by Magistrate John W. B. Deeds, who also imposed the fine and jail term on the other youths for assaulting the girls.

Meanwhile, a prosecution fund started by white friends of Dr. Santa Cruz, continued to grow. The money will be used to employ a lawyer to assist the Commonwealth's Attorney in prosecution of the case.

Reuben D. Lawson, colored Roanoke attorney, and member of the NAACP legal staff in Virginia, has been chosen for the role. He will serve as special assistant to Commonwealth's Attorney Alton I. Crowell.

Indictments Expected

The grand jury is expected to return indictments against the white youths on Monday.

DR. SANTA CRUZ

The Circuit Court for Pulaski county will also convene that day. It will dispose of old cases first and probably hear the Santa Cruz case late this month.

Town's 'Bad Boys'

Described by Police Lt. Earl Bouldin as "the town's bad boys," the youths charged with the slaying had obtained no defense counsel on Saturday. It is rumored that they plan to hire no lawyer and that they expect to be defended by court-appointed counsel.

Dr. Santa Cruz was leaving his office on Main St. here when he observed the white youths striking the teen-age girls. He asked them to stop and one of the youths took a punch at him, but missed.

The dentist then escorted the girls across the street to a corner police call box where he was trying to put through a call when the youths rushed across the street and struck him down from behind, according to eyewitnesses.

Cabbie Called Accessory

One of the youths was arrested by Lt. Bouldin and Chief of Police Lee S. Boothe, on the way to the murder scene. The other was apprehended at the home of a relative here later that night.

Costigan, the cabbie, was taken into custody two days later and charged with being an accessory.

He obtained the services of Jarnett S. Moore, attorney, and was released in $1000 bail following a prelimiay hearing.

Virginia Justice on Spot

Outcome of the trial is anxiously awaited by persons interested in seeing how Virginia justice will work when the victim is a colored person and the accused white.

Citizens here recall the severity of penalty in the case of the Martinsville Seven.

Dailies Urge Conviction

Seven young colored men were executed for the alleged criminal attack on a white woman. Martinsville, Va., is just 125 miles southeast of Pulaski.

Daily newspapers here and in Roanoke, 40 miles away, have called out in editorials for swift and severe punishment for the white youths.

Defendants In Doctor's Death Waive Hearing

Special to Journal and Guide

PULASKI, Va.—Preliminary hearings for the two white men charged with murder in the death of a prominent colored dentist were waived in Trial Justice Court Friday. Their cases were sent on to the Pulaski Circuit Court grand jury which was to convene Monday.

Both men were found guilty, fined $100 each and sentenced to 12 months in jail on charges of assaulting an 11-year-old colored girl the dentist was attempting to aid when he was attacked by the youths.

Murder charges were filed against Charlie Simmons, 20, and E. Buford Owen, 18, after Dr. M. A. Santa Cruz died Feb. 8 enroute to a Roanoke hospital.

POLICE CHARGED THAT Dr. Santa Cruz was assaulted as he attempted to report by telephone an argument between the two men and the girl.

Simmons pleaded innocent and Owen pleaded guilty to the assault charges.

The case of Hubert Mathews Costigan, 24, taxi driver, charged with aiding and abetting Simmons and Owen, was deferred until Feb. 28 at the request of defense counsel.

Man Charged With Slaying In 1906 Fights For Life

RICHMOND, Va. — A 78-year-old Henrico county man charged with murder in the slaying of a 45-year-old man was temporarily free last week, but is sought by North Carolina authorities to face the charges. It appeared that the accused would oppose extradition proceedings.

The accused said his name was Willie Winn. Sheriff Willie Perry, of Franklin county, N. C., said he was really James Perry who is wanted in connection with the shooting of a middle-aged white farmer in 1906. The shooting occurred during an argument over a dog.

A scheduled hearing for Winn was postponed until Tuesday this week. Meanwhile, a Henrico county neighbor, Ben Williams, furnished $2,000 bond.

* * *

SHERIFF PERRY HAS identified the elderly man as the one who has been sought in connection with the 1906 slaying of Blady Perry near Louisburg, N. C. The sheriff was scheduled to mail an application for extradition to North Carolina Governor Kerr Scott charging that the Henrico county resident was the man wanted in connection with the slaying.

J. J. Williams Jr., an attorney and member of the Virginia House of Delegates, has volunteered to represent Winn—or Perry—and has pledged to fight extradition proceedings. He is reputed to have been a friend of the defendant for years.

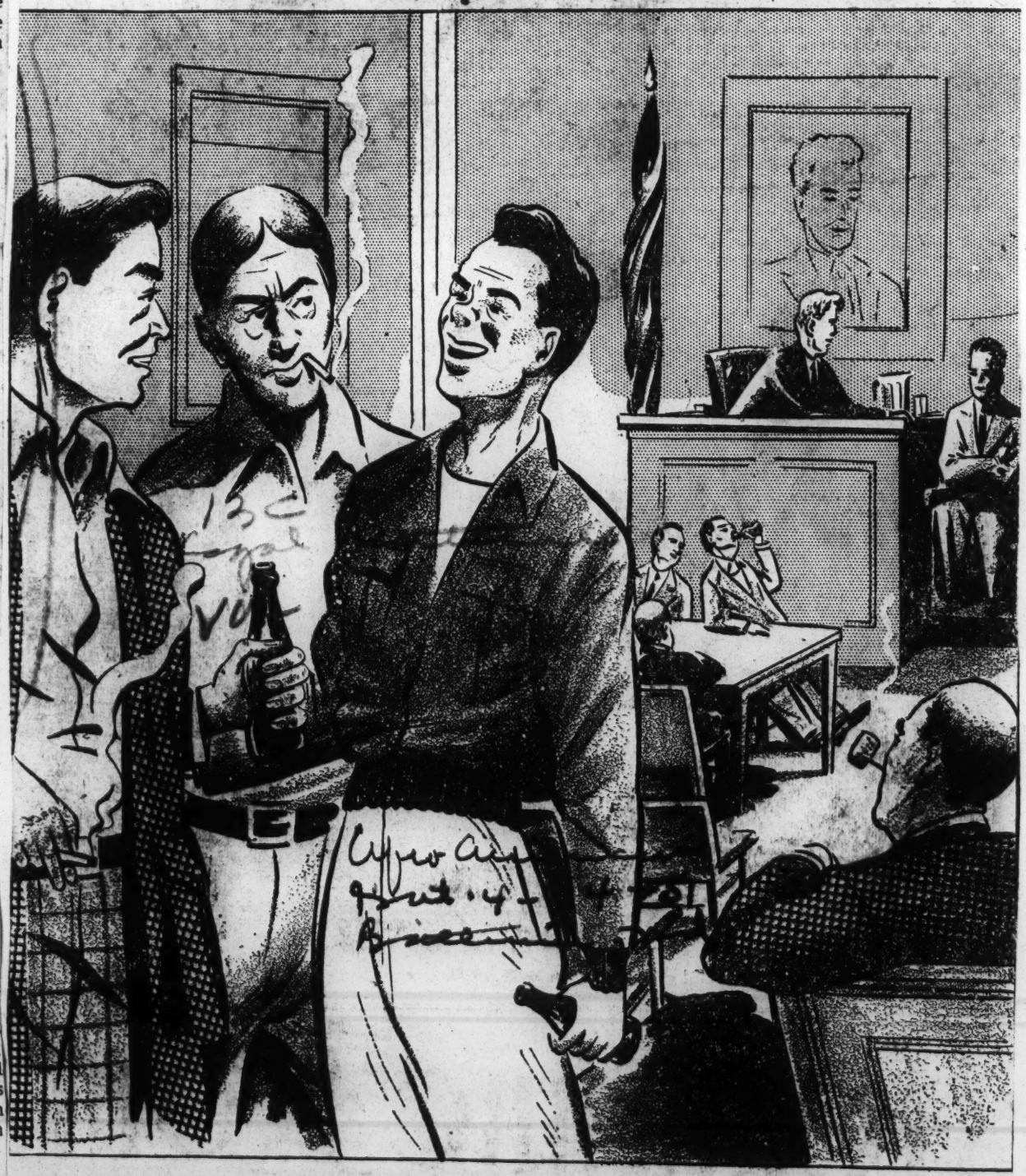
Only two persons were witnesses to the crime, and one of them is dead. The other is C. C. (Toney) Jeffreys, who is about 70 and resides at Wendell, N. C.

Winn was arrested late on Mar. 4 after Sheriff Perry, acting on a "tip," arrived with a deputy late in the day and went to Henrico county police headquarters. Henrico Officers E. B. Marks and W. P. Arwood arrested Winn as he stepped from a car in which he was returning from church in Richmond with a friend.

* * *

WINN INSISTS HE is not guilty of slaying the white farmer. In 1906, "as best I can remember," he said, he was in Haverstraw, N. Y., running a barber shop and a boarding house. The only times he was in North Carolina, he continued, were on trips aboard the Southern Railway while he was working as a dining car attend-

Pulaski Courtroom Resembled Carnival



Here's AFRO artist's conception of the Pulaski County Circuit Court last week when two white men went on trial for the death of Dr. M. A. Santa Cruz, prominent dentist. In the story below, Rufus Wells, staff writer, tells how dignity which starcterizes most U.S. courtrooms was absent and defendants and jurors smoked, drank pop during trial.

Pulaski Hoods Get Only 5 Years

By RUFUS WELLS
AFRO Staff Writer

PULASKI, Va.—White supremacy in the South won another victory, Saturday, when two white men found guilty of the unprovoked street slaying of Dr. M. A. Santa Cruz, were sentenced to only five years imprisonment.

The sentence was imposed in the Pulaski County Circuit court after a four-day trial marked by derogatory racial remarks.

Tension reached a fever pitch in the crowded, sticky courtroom during closing minutes of the trial when T. Warren Messick, chief defense attorney, referred to four colored witnesses for the Commonwealth as "d——s."

"Are you going to believe the statements of these d——s or the testimony of these two white men," Mr. Messick asked the jury in his summation.

It was the third time the two white men, Charley Simmons, 18 and E. Buford Owen, 21, had been on trial for the Feb. 6 killing of the prominent dentist and civic leader. The first attempt on March 29 ended in a mistrial and the second trial was postponed at the request of defense counsel.

Testimony at the third trial disclosed that Dr. Santa Cruz was attacked by Simmons and Owens as he stood at a street telephone, calling police to report that the two men were molesting two colored girls.

The girls, Miss Evelyn Bland, 18, and Miss Marie French, 14, saw the killing and were principal witnesses for the Commonwealth.

The long-awaited trial moved off to a slow start Tuesday with the entire day being spent in the selection of a jury. At 11 a.m. Wednesday, after four colored eligible jurors had been removed, an all-white jury was chosen, to hear the case.

No Death Penalty

In his opening statement, Alton I. Crowell, Pulaski County Commonwealth attorney, said he would not ask for the death penalty, but reminded the jury that they could find the defendants guilty of murder. He urged them to "give a verdict commensurate with your good conscience."

Defense strategy was outlined at the beginning of the trial by Mr. Messick, who promised to show that Owen was not near the dentist when he was struck down, and therefore was innocent of the charge. Mr. Messick admitted that Simmons hit Dr. Santa Cruz causing his death, but contended that it was "involuntary manslaughter." (an unintentional killing)

The defendants, both known to police as bad actors, and both having been arrested for drunkenness or disorderly conduct, were smiling and cocky throughout the trial. They sat casually chatting with relatives, drinking cokes, or roaming about the courthouse grounds during recess periods.

Girls Give Facts

In their testimony the attractive teen-aged girls the dentist was defending when killed, said they were walking along Main Street when Simmons and Owen came toward them.

They separated, the girls said, to let the men by when Owen asked, "Where are you going."

When Miss Bland, older of the two, said to the younger girl, "It's none of their business," Owen struck her in the eye with his fist, the court was told. Meanwhile, Simmons shoved Miss French against a building.

At that point, Dr. Santa Cruz, leaving his office for the day, observed the altercation and intervened.

The girls said Dr. Santa Cruz asked the white men to let the girls alone, and when they persisted, the dentist declared, "I'll end it all, I'm going to call the police."

The dentist crossed the street to an emergency call box and was putting through his call when the white men rushed across the street, according to the witnesses.

Owen shoved the dentist off balance and Simmons struck him with his fist, Dr. Santa Cruz fell to the sidewalk, the girls testified.

Lt. Bouldin Testifies

Another main Commonwealth witness was Lt. Earl Bouldin, veteran police officer who arrested the suspects a few hours after the killing. Lt. Bouldin said he received a call at 6:20 p.m. Feb. 6 that someone was lying on the pavement at Randolph and Main Sts. He was also informed, he said, that the boys who hit the man were at a certain restaurant.

Lt. Bouldin drove to the restaurant and picked up Owen and another youth who was subsequently released. He then went to the scene taking Owen and the other boy with him.

At the scene, Miss Bland pointed to Owen and said:

"That's the one who hit me."

Owen was charged with being drunk and with striking Miss Bland. He was released in bail but re-arrested the following day and charged with the murder of Dr. Santa Cruz.

Lt. Bouldin testified that Simmons, when arrested about midnight on Feb. 6, had his suit case packed. Simmons asked if Dr. Santa Cruz was dead, and then remarked that "all them g-d d--n n——rs ought to be dead."

Lt. Bouldin also quoted Simmons as saying he had "knocked hell out of some colored man who was shooting off the jibe." Two other policemen verified Bouldin's testimony.

In addition to the girls, two other witnesses placed Simmons and Owens at the scene of the crime. They were Charles Stewart, a barber, and James Kearn, who were driving by the scene and had stopped for a traffic light.

Stewart said he saw Dr. Santa Cruz standing at the call box and saw two men run across the street. Both Mr. Stewart and Mr. Kearn said the man wearing a plaid coat grabbed or pushed Dr. Santa Cruz and

It had already been established that Owen was wearing a plaid jacket the night of the killing.

Killer Wears Plaid

Mrs. Carrie Baker of 147 Randolph Avenue, testified that she saw the incident from her second-floor apartment window. She also implicated a man wearing a plaid jacket."

"When Dr. Santa Cruz fell his feet flew up and his head hit the ground like a coconut. It was an awful sound. I shall never forget it."

Mrs. Baker said one of the girls at the scene attempted to lift the fallen doctor and when she was unable to do so, she ran off crying hysterically.

The trial, held before Judge John S. Draper in the second-floor courtroom, featured the usual informality of Southern small town courts. Judge Draper sipped from a glass containing soft drink. A small brown and white dog trotted leisurely around the courtroom, first under the witness stand, then the defense counsel table.

On the tree-shaded lawn outside, two women were lying on a blanket, seeking relief from the 90-degree heat. On another section of the lawn three white boys were engaged in a baseball game.

Clad in brown trousers and a striped green, gray and yellow sport shirt, Simmons took the stand Friday, in his own defense. He chewed nervously on a wad of gum until Judge Draper ordered him to dispose of it.

Simmons assumed full responsibility for the slaying and testified that Owen did not cross the street to where the dentist was standing. He denied saying that "all n——rs should be dead," and attributed the remarks to his father.

Asked on cross examination, why he struck the dentist, Simmons replied: "He motioned to some colored people standing on the other corner and I just got excited and hit and ran."

Herbert M. Costigan, cab driver charged with aiding and abetting the killers, testified as a court witness. He also denied seeing Owen or Simmons cross the street to where Dr. Santa Cruz was standing.

Asked to read a statement he had earlier given police, burly, red-faced Costigan replied:

"I can't read good. I ain't got that much education."

In his closing arguments, Special Prosecutor John Spiers, declared:

"There is no denying the fact that Simmons hit Dr. Santa Cruz without provocation or excuse. The defense says it is involuntary manslaughter that no malice was intended, but let us examine the evidence. Dr. Santa Cruz was cowardly and feloniously struck down while serving as a peacemaker. Dr. Santa Cruz was killed because he was doing what every decent man, white or colored, would have done under the circumstances."

Murder Conviction Urged

In a dramatic summation and plea for justice, Commonwealth Attorney Alton I. Crowell asserted:

"If the juries of other counties and cities had placed their stamp of disapproval on these type of cases years ago, this case might not have been in here today. The Commonwealth asks a second-degree murder conviction for both Simmons and Owens. Your duty in this case is clear, you must either condemn this sort of conduct, or condone it."

Among the most interested onlookers were Mrs. Kathleen J. Santa Cruz, widow of the dentist; her brother-in-law, Dr. William S. Hart of Hampton, Va., and Mrs. Elizabeth Jenkins Howard, sister of Mrs. Santa Cruz.

Cuban-born Dr. Santa Cruz was one of this town's most respected citizens. A graduate of Ferris Institute and the Howard University Dental School, he had been practicing here for 23 years. Half of his patients were white.

Both Simmons and Owens were found guilty in trial magistrate court of striking the young ladies, and were sentenced to one year in jail, and fined $100 each. However, they have appealed the case to a higher court.

The five-year term imposed in last week's murder trial is the maximum punishment for involuntary manslaughter under Virginia law.

13c 1951

Virginia (Legal Sentence)

The Curious Case Of Silas Rogers

From The Richmond News Leader

It has been seven years—a little more than seven years—since Silas Rogers heard a judge sentence him to death for the murder of a Petersburg police officer. It has been five years since the State Pardon Board, sorely troubled by this most puzzling murder case ever to come before it, commuted his death sentence to life imprisonment. It has been four years, at least, since anyone wrote of the Silas Rogers' case, and there is no good reason to be writing of it on this gray and bitter morning except that the memory of Rogers' conviction nags at our conscience and won't go away. It is our earnest belief that Rogers sleeps in prison tonight for a murder he never committed—that he is the victim of a tragic combination of mistaken identification, brutal and inefficient police work, and technical prohibitions of the criminal law.

The Rogers case began at 7:40 o'clock on the morning of July 18, 1943, when Police Officers W. M. Jolly and R. B. Hatchell, cruising on West Washington Street in Petersburg, noticed a red Studebaker automobile approaching them. Their attention was drawn to it by squeaking brakes. The officers made a U-turn, followed the car for several blocks, and then drew alongside, intending to stop the automobile and question its driver. But the driver of the automobile speeded up and moments later wrecked the car near the grounds of Petersburg Hospital. Two soldiers who had been riding in the car were apprehended by Mr. Jolly, while officer Hatchell took off in pursuit of the driver. Then two shots were heard and, subsequently, Mr. Hatchell's body was found. He had been killed by a single bullet wound, presumably from his own gun.

* * *

Something more than an hour later, Petersburg police noticed a 21-year-old colored youth standing on the north side of the Appomattox River Bridge, attempting to hitch-hike a ride. And though Silas Rogers denied any knowledge of the shooting, he was taken to Police Headquarters and there subjected to a brutal beating. A confession was wrung from him under such duress that the Commonwealth's Attorney could not stomach its introduction at Rogers' trial. Later the Virginia Supreme Court was to denounce this treatment "as an inhuman assault, cowardly, uncalled for, beyond the realm of justification." On August 26, Rogers came to trial in the Hustings Court of Petersburg. On August 27 he was sentenced to death.

The Commonwealth erected a powerful case against Rogers. The prosecution's theory of the crime was that Rogers had left his job in a Miami Beach barber shop to return to his home in New York, that he had ridden a train to Raleigh, that he had left the train at that point and had stolen an automobile. Then, the prosecution contended, Rogers had "picked up" two hitch-hiking soldiers and had driven north to Petersburg. The Commonwealth's theory was that Rogers, driving a stolen automobile, had fled from the police officers to avoid arrest for auto theft; that Officer Hatchell had caught him and struggled with him, and that in the fight Mr. Hatchell had been slain.

* * *

To support its case, the Commonwealth offered five major witnesses. Three of these identified Rogers positively as the driver of the stolen automobile; one one placed Rogers positively on the hospital grounds a few seconds before Officer Hatchell was slain. The fifth threw doubt on the defense's story that Rogers had spent the early morning hours of July 18 in the Petersburg railway station. It was, on the surface, an airtight case.

Rogers' story was simple. He testified that he had traveled by freight train from Florida to Hamlet, N. C., and there had secreted himself aboard the Seaboard Air Line's northbound Silver Meteor; that he had been discovered by a railway employee who ordered him to get off the train at Petersburg; that he had left the train in Petersburg, and had waited until broad daylight—about 8:30 a. m.—to leave the railway station. Then he has asked directions, and had found his way to the Route 1 bridge where police had arrested him. He was on his way to New York to report to his draft board. At the time of his trial, Rogers could not produce the railway employee whose testimony he needed so vitally. The jury refused to believe his story, and the conviction followed.

When the evidence against Rogers is examined carefully, its weaknesses become apparent. Though Officer Jolly swore he got a "very good look" at the driver of the stolen car, his own testimony discloses that he never got more than "about three or four feet in back of him." The two soldiers who identified Rogers so positively as their driver north from Raleigh were both deserters from the Army; months later, in an effort to rationalize Rogers' conviction in the light of after-discovered evidence, the Commonwealth's Attorney was to suggest that the soldiers might have stolen the car themselves; their testimony plainly is not worthy of belief. The railway station porter who remembered so positively that he had not seen Rogers in the station on the morning of July 18 had great difficulty remembering anything else. The fifth prosecution witness, who testified that he saw Rogers through the window of his hospital room, actually is the lone witness whose evidence carries much weight.

On Oct. 9, 1944, the Virginia Supreme Court sustained Rogers' conviction. On Oct. 17, 1944, by the sheerest happenstance, Robert W. Murray, Diesel supervisor for the SAL, happened to fall into a discussion of hoboes with Road Foreman E. D. Foxworth as the two rode toward Raleigh. Mr. Murray mentioned that once he had found a colored boy hidden on the Silver Meteor, and had put him off at Petersburg. His companion knew of the prolonged search by Negro attorneys for the missing witness in the Rogers case. And on October 24, as soon as the Richmond trainman could get together with the attorneys, Mr. Murray went to Death Row at the State Penitentiary. He studied Rogers, "and after I had observed him carefully for about a minute and a half or two minutes, I said to Captain Penn, the guard for Death Row, 'That is the boy'."

* * *

Armed with a powerful affidavit from Mr. Murray, swearing to Rogers' presence on the train and offering to testify to details which Rogers had related of the 1943 trip—details which only Rogers and Mr. Murray could have known—attorneys for the Negro youth attempted desperately to have the case reopened; but the term of court at which Rogers had been tried had ended. There was—and is today—no way for Rogers legally to be tried again. Ultimately, the case reached the Pardon Board, where Rogers received commutation to life imprisonment on Oct. 13, 1945.

The case has endless fascinating aspects. There was the curious fact that Petersburg police, who later were to say they never doubted Rogers' guilt, spent hours on the day after the crime, searching Lee Park with bloodhounds for another suspect; one officer came within 200 feet of this suspect, and fired at him but missed. At this time Rogers was in jail. There was the curious fact that none of Rogers' fingerprints could be found on the stolen automobile. And there was the curious fact that no paraffin test had been performed on Rogers to determine if he had recently fired a gun. There was the curious turnabout by the Commonwealth's Attorney after Mr. Murray's affidavit became public; then the prosecution attempted feebly to say that perhaps Rogers had come to Petersburg by train—he was the killer anyway. This view, of course, removes from the Comwealth's case any motivation for the Washington Street chase and the shooting itself, unless the Commonwealth is prepared to stand solemnly by the story that two white soldiers picked up a colored youth in their automobile, asked him to drive, advised him before they had traveled five blocks that the car was stolen, and then ordered him to race away when Officer Jolly's squad car came alongside them.

* * *

As we say, there probably is no very good reason to revive this case. Lifers cannot be paroled; they can leave Spring Street by death or pardon only. The records are buried in the Virginia Supreme Court, and Rogers is No. 51111 in the State Penitentiary now. But the conviction grows, and grows, and will not go away, that through the zeal of some well-intentioned men and the mistakes of others, Silas Rogers is imprisoned for life—for a crime he never committed.

"The Curious Case Of Silas Rogers"

WE ARE publishing on page two of the Journal and Guide the full text of an editorial from The Richmond News Leader under the above caption. It is an extraordinary document. A reading of the editorial should convince even the most skeptical that The News Leader has made a thorough study of this case and is convinced that ROGERS did not commit the crime for which he is now serving a life sentence in Virginia's state prison.

Many of our readers will remember the case. At the time ROGERS was charged with the murder of a Petersburg police officer, he was a transient hitchhiker after the old train hobo pattern who had beat a ride on a fast Seaboard Air Line passenger train (according to his testimony at the trial and the testimony of others later) from Raleigh, North Carolina, to Petersburg. From that point he was attempting to hitchhike his way farther North. On that fateful morning two police officers pursued a suspicious automobile, and in the chase one of the officers was killed. Under conditions which were highly circumstantial ROGERS was charged with the murder, tried, convicted and sentenced to life imprisonment.

Petersburg citizens who had serious doubts as to his guilt engaged counsel for him and he was ably defended, but the police system that frequently sucks an innocent man into a situation which leads to his death or to life imprisonment (when there is too much doubt in the minds of the prosecution) was against ROGERS.

The News Leader — seven years later—retells the story in all of its

dramatic details. It also shows that ROGERS is now beyond intervention by the courts.

The case is now one in which only the Governor can intervene. The powerful presentation by The News Leader should lead interested citizens to organize a movement to procure a pardon for this unfortunate man. Seldom does such an influential newspaper as The News Leader designate the outcome of a criminal case a miscarriage of justice unless it is very sure of its grounds. This is a case that warrants an investigation and a review by the Governor.

Murder Case Delay Rapped

Whites Who Slew Dentist Unpunished

PULASKI, Va. (ANP) — Many residents of Virginia and particularly those in this section of the State are concerned over the pointless delay in prosecuting two white youths indicted for the murder of Dr. M. A. Santa Cruz of Pulaski.

The dentist, who attempted to call police in defense of two colored schoolgirls molested by the youths, was struck from behind by one of the defendants. He fell to the sidewalk, fracturing his skull, and died en route to a Roanoke, Va., hospital.

The trial was to be held at the April term of the Circuit Court of Pulaski County. Some question relative to alleged statements, made by a juror led to the declaration of a mistrial.

Further Delays Expected

When the case came up for trial at the May term of the court, defense counsel asked for a postponement until the September term. They added that if the case was not deferred, they would be compelled to withdraw.

Defense counsel claimed that their clients had not completed arrangements for paying for professional services. Judge John S. Draper said, however, that the case was one that "deserved speedy trial" and set it for trial on June 27.

It is not certain now that the case will be tried June 27. There has been much talk about postponing the trial until the September term of the court, the date defense counsel asked for.

CRIME:

Now the Trenton Two

On the morning of Jan. 27, 1948, three Negroes entered the small secondhand-furniture store in Trenton, N.J., belonging to William Horner, 73, a thrifty businessman who was believed to carry large sums of money. One of the men slugged Horner with a soda-pop bottle, and his elderly common-law wife, Elizabeth McGuire Horner, was knocked to the floor. The assailants escaped. Horner died that same day.

Ten days after the murder, police arrested Collis English, 23, a Negro, for driving his father's Ford without a license. According to police, English admitted using the car in the killing. After further questioning, he allegedly gave police the names of five other Negroes involved in the murder: James Thorpe, 24, Ralph Cooper, 23, Horace Wilson, 37, McKinley Forrest, 35, and John McKenzie, 24. All of the defendants except Wilson signed confessions, which they later repudiated, charging they had been given drugged drinks and cigarettes before signing the papers.

Mrs. Horner named Forrest, English, and Wilson as the three men who had entered the store. But ten days after the murder, she could not identify any of the defendants at police headquarters. Nevertheless, on June 15, 1948, the six men were brought to trial. After 45 days of testimony, all six were convicted and sentenced to die in the electric chair.

A panel of defense lawyers headed by O. John Rogge, former Assistant United States Attorney General, appealed the conviction on the ground of "legal errors," and the execution was delayed. Meanwhile, the "Trenton Six" began to attract nationwide interest. The National Association for the Advancement of Colored People and the American Civil Liberties Union contended that the confessions had been obtained illegally. The left-wing press, the Communist Party, and the Civil Rights Congress exploited the case as a "frame-up" of the Negro race.

Reversal: On June 30, 1949, the New Jersey Supreme Court reversed the conviction and ordered a new trial. The six men left the death house, where they had spent ten months. But the second trial, which opened Feb. 5, 1951, ended the next day when the prosecutor became ill.

The third trial began March 5, lasted fifteen weeks and adduced 11,000 pages of testimony from 143 witnesses. Members of the all-white jury of six women and six men were sequestered from their homes and families.

The state claimed that Forrest struck down Horner, English went through his pockets, and Wilson slugged Mrs. Horner. Cooper, Thorpe, and McKenzie, the state charged, were "lookouts." All of the defendants offered alibis.

On June 14, after deliberating twenty hours, the jury found Collis English and Ralph Cooper guilty of murder in the first degree and recommended mercy. Judge Ralph J. Smalley sentenced them to life imprisonment. The other four defendants were acquitted.

Parole Probe Showdown Set By Legislature

Members Refuse To End Session

MONTGOMERY, Jan. (AP) —The Alabama Legislature refused today to sidestep demands for an investigation of recent wholesale granting of pardons and paroles.

Defeating an adjournment move which would have ended their special session this afternoon, members agreed to come back next week for a showdown on a bill to create a joint Senate-House investigating committee.

The House, which voted down a motion to send the bill back to committee, had the choice of going ahead with that measure or taking up a resolution asking the Montgomery County Grand Jury instead of the Legislature to make the inquiry.

Heated debate shot back and forth on the House floor. The sponsor of the legislative investigation bill, Rep. Larry Dumas of Jefferson County, cautioned his colleagues that failure to go ahead with it would amount to a "whitewash."

Senate Votes To Return

The Senate, likewise reluctant to quit without considering an identical companion bill by Mobile's Sen. Tom Johnston, also voted to return to work Tuesday to vote on it.

Since both the Dumas and Johnston bills came out of committee today, they will be on the calendar for a floor vote Tuesday.

Actually, the resolution calling for a Grand Jury investigation never came to a direct test in the House. The rules committee, knowing a move would be made to recommit Dumas' measure, held the resolution up waiting to see what happened. It was still in committee when the House went home for the week-end.

The Senate passed a House-approved civilian defense bill after tacking on several amendments, including one to give newspapers an unquestioned exemption from the governor's seizure powers in the event of an enemy attack or a declaration of war.

As it came over from the House, the measure flatly exempted leased wire facilities used by news services, but some members said the wording was unclear as to newspapers.

Ready For Governor

The House agreed to the amendments after the Senate got through with the bill, and it will go to the governor next week.

Also approved by the upper chamber today were the last five on a list of the governor's political appointees.

Confirmed were:

Neil Davis of Auburn and Mrs. Ethel Gayle of Montgomery on the Pardon-Parole Board replacing Bill Drinkard and Glen Vinson.

Dothan Mayor James T. Thrower, Montgomery's William K. Thames and Prattville's Maury McWilliams on the state liquor control board.

The decision in the House to return next week followed the stormiest exchange of words heard during the special session.

Dumas, declaring, 'The people don't want us to wash our hands of the whole matter," told his colleagues they would vote for his bill "if you want to face up to your responsibility."

Answering the argument that it would cost thousands of dollars for the Legislature to remain in session, whereas the grand jury could make an investigation much more economically, the young Jefferson legislator shouted:

"It's a cheap price to pay for cleaning up a rotten mess. . . . It's a cheap price to pay to make sure convicted murderers aren't sprung from the penitentiary almost before they have time to hang up their hats."

Mobilian Gives Support

Rep. Sidney Pfleger of Mobile pitched in his support, asserting, "Many people want the Legislature to stand on its hind feet and take it."

But Russell County's Rep. J. W. Brassell, who admitted he had gotten six convicts paroled in the past four years and that "I'm not ashamed of it," objected hotly to any investigation, either by the Legislature or a grand jury.

7 Negro Convicts Receive Paroles

Seven Negro convicts were paroled last week, the Pardon-Parole Board announced Monday. One was a life-termer and another was serving 25 years for murder.

No parole application was denied during the week, board officials added.

The life-termer freed was Julius Kelly, convicted in Etowah County of rape in 1941.

Jimmie Lee Gilgest, sentenced to 25 years in Montgomery County in 1939, was the convicted murderer who was freed.

Others paroled were:

Martin Bailey, convicted of assault with intent to murder in Colbert County and given 12 years in April, 1948.

J. C. Blackmon, manslaughter, Butler, two years, November, 1949.

Alex Dickson, murder, Lowndes, 10 years, September, 1947.

Jesse Houser, burglary and grand larceny, Jefferson, 21 years and one day, January, 1946.

John Henry Thurman, burglary, Calhoun, six years, March, 1948.

Folsom terms pay-off charge silly; hits foes

CULLMAN, Ala., March 19—(AP) —Former Gov. James E. Folsom yesterday met testimony linking him with an alleged pardon payoff with countercharges of a "gigantic political conspiracy" and "smear" tactics.

He told an Alabama radio audience in a 15-minute talk carried or rebroadcast by five stations:

"I can go before that Montgomery committee or the people under oath and before God with clean hands. I hereby ask the committee to stand before the Legislature and the people with the same clean hands."

The legislative committee investigating the state pardon-parole system last Monday heard testimony that Folsom shared in an alleged $1,000 payoff for a pardon. The ex-governor said the charge was "silly."

Folsom said a "gigantic conspiracy" existed during the closing days of his administration. He said his opponents "put on tremendous political pressure to release 'hot' cases. They hoped thereby to keep the sun from rising again."

The former governor said his political opponents had conducted a constant smear campaign against him since 1946.

"Last week my opposition 'rang the bell' in smears," he added.

Folsom said the present Pardon-Parole Board, appointed by Gov. Gordon Persons, was the "most political" since 1939.

He said this was because Persons was able to appoint two members of the three-man board when the Senate refused to confirm two Folsom appointees, and they went out of office with him.

* * *

THE FORMER MEMBERS are Glen Vinson and Bill Drinkard, who have been questioned at length by the committee. Both denied receiving money or anything of value for the pardons and paroles they approved.

During the last 15½ months of the term, while the board was dominated by Folsom appointees, a total of 1,600 paroles and 350 outright pardons was granted.

Folsom told his radio audience, "it's a provable fact that during the last days of my administration several top-ranking officials of the present administration—both elected and appointed—petitioned the (pardon-parole) board.

He did not elaborate on this reference.

He also said he had heard that some state employes were threatened with loss of their jobs unless they testified "right."

Such an alleged action would be "a conspiracy to deprive you of your civil rights," and could be prosecuted under federal law, he asserted.

W. G. Smith of Mobile, a State Docks employe, told the legislative committee last Monday he had been informed that Folsom, Vinson and Drinkard shared a $1,000 payoff.

* * *

SMITH SAID Roy Dickerson, reformed bank robber and now a Mobile bondsman, told him the money was paid for the release of Norris E. Kervin, a convicted killer.

Kervin was pardoned Jan. 11, after serving less than seven months of a 25-year sentence on a murder conviction. The Folsom administration went out of office four days later.

The ex-governor said Alabama jails "are filled with little whites and Negroes who should not be there."

"When you oppress the Negro you oppress the little white without influence," he added.

He called for elimination of the "dirty, rotten fee system." Some officers and courts receive fees for prisoners and cases which they handle, so their income increases as the volume of their cases grows.

* * *

FOLSOM ALSO urged three other steps which he said would improve Alabama's prison system. They are:

Abolish oppression of the Negro race.

Allow lawyers appearing before the Pardon-Parole Board to represent only those prisoners who come from their home counties, or whom they had represented before they were sentenced.

Limit lawyer fees for representing prisoners before the board to $250.

Folsom said one black mark on his administration was that there were more prisoners in the state penitentiary system "the day I went out of office then the day I went in." He called this "one of my greatest disappointments."

"I publicly stated many times that half of the prisoners in Alabama were political prisoners due to the fee system or the way they voted," Folsom declared.

The woman said she could not raise the money and Wood then offered to accept a deed to 20 acres of land she and her husband owned. According to her testimony she gave him the deed and her mother, Ina D. Gamble, serving 10 years for murder, was released.

The witnesses testified she later paid Wood $40 on the debt but could not pay the balance. She said that Sheriff Perkins Hill of Clarke County agreed to pay Wood the balance due and is holding the deed. She said she was working as a maid in the sheriff's home and he is deducting $5 per week from her pay towards the debt.

The state senator also said he helped obtain the release for Felix Ray, another Negro, who served nearly five years of a 50-year sentence.

Pinson said he appeared before the board on Ray's behalf with evidence which he said proved the Negro was not guilty.

Pinson testified.

Freedom for 'slavery' testimony is given

BY HUGH W. SPARROW
News staff writer

MONTGOMERY, Ala., April 12—A Negro convict who returned to prison rather than continue working on a virtual slavery basis as a parolee told his story yesterday afternoon at an open hearing of the joint legislative committee investigating paroles.

The witness was C. G. Smith, a Montgomery County Negro who was released Jan. 12, 1951, after serving more than 18 years for murder.

Smith's story not only disclosed he had been released from prison to work on a basis resembling peonage but he indicated there were at least 50 other Negro convicts released like himself and working under similar conditions in the same Marengo County area.

His testimony, moreover, tended to confirm recent hints that peonage operations may be brought to light in connection with the investigation of the mass paroling and pardoning of prisoners during the closing days and weeks of the Folsom administration.

SMITH SAID Leonard Lowrey, the former "big shot" con from Marengo County, approached him last Jan. 11 in the Industrial Relations Building where he worked as a trusty.

Lowrey, he said, offered to get him a parole and a job in Marengo County. Lowrey obtained the parole, he added, after a brief conversation with former Parole Board Member W. H. (Bill) Drinkard.

Smith said he thought he was to work for Lowrey but that when he reached Marengo County Lowrey took him to the residence of a widow near Linden where he was to work as a house and yard boy, a store attendant and a handy man.

The witness said he was required to work from 4 a.m. till 7 p.m., daily, six days a week, and his employer told him she also expected him to be on duty on Sunday.

At the end of his first week, Smith said, he was paid $5 but was told he would have to pay $2 of it as room rent. The $2 he explained, went for occupancy of a small room in a shanty he shared with four other paroled convicts.

"I knew I'd never have enough to buy clothes and pay for them," Smith testified. "So I took the $3 and bought a bus ticket back to Montgomery."

The witness said he is now employed by the garbage department of the City of Montgomery.

* * *

REP. LARRY DUMAS, Jefferson, did the questioning of Smith.

"Did Lowrey walk over to you while you were at the Industrial Relations Building and say, 'Hey, boy, do you want to get a parole'?" Dumas asked.

"It wasn't like that," Smith replied. "I saw Mr. Drinkard coming over to the building where I worked and asked him about a parole. He asked how much time I had and said I would have to have a job to go to. He told me to see somebody about a job and he would do what he could for me.

"After dinner another trusty told Lowrey about me and Lowrey motioned to me to come over and talk with him. He told me 'all you need is a job.'"

"Did he say he would give you a job?"

"Yes. A job at Linden in Marengo County. He went to see Drinkard and after a few minutes returned. He said the parole would be waiting for me at the prison.

"What was the date?"

"Jan. 12, 1951."

"When did the parole arrive?"

"The next day."

"Did Lowery give you a job?"

"He said he didn't have a job himself but would get me one at a friend's house. It was at the house of a widow near Linden."

"Did you work for this woman?"

"Yes. One week. At the end of the week she gave me $5 and told me to give the colored lady $2 for sleeping over there. I took the $3, left and caught a bus back to Montgomery. I went back to the parole board and said I could do much better by staying in prison."

* * *

SOMEONE AT the parole board, he added, found him employment in Montgomery.

"When you saw Lowery in Montgomery how much did he say he would pay you?"

"He said, 'Oh, you'll be satisfied.'"

"How many others slept with you in the same room at the shanty in Marengo County?"

"Four other convicts. One was Walter Crawford. He was the only one I knew by name. I knew the others by nicknames."

"Where were the others working?"

"Two worked at a cafe in Linden and one worked at a pressing shop next to the cafe. Walter said he 'waited on Lowrey,' washing his clothes and doing other jobs."

"Did all sleep in the same room?"

"Yes. Three slept in a large bed and two others in a little one."

"Do you know how much was paid the others?"

"No."

"Do you think all were gotten out of prison by Lowrey?"

"Yes."

* * *

SMITH SAID the others had been out much longer than he had but had not been able to earn enough to buy clothes. They were still wearing prison garb.

He added that on the Saturday night before he returned to Montgomery he went to a nearby Negro settlement and saw about 50 other former convicts who, like himself, were still wearing prison overalls.

"Were they people you knew in prison?"

"Yes."

"Where were they working?"

"All around, on farms and at different places."

He said Lowrey told him before he visited the Negro settlement not to steal or rob over there but that there was "no law across the railroad tracks" meaning, he said, the Negro settlement.

"What else did Lowrey tell you when he got you out?"

"To work hard and keep my nose clean."

Lowrey's activity in obtaining release of a large number of Negroes on parole had been mentioned in testimony previous to Smith's appearance. Another ex-con, Amos Cotney, also has been mentioned as having obtained release of several prisoners to work as laborers.

* * *

SMITH WAS one of three witnesses heard yesterday afternoon during the committee's open hearing. Several others testified yesterday morning but their names were not disclosed.

Preceding Smith as a witness during the afternoon were John Morgan White, who was a parole board member from Sept. 15, 1946 to Nov. 11, 1947, and Miss Mable Pirtle who served as a receptionist at the board from Feb. 1, 1950, to Feb. 15, 1951.

White told of the careful method whereby the board—when he was a member—considered applications for paroles and pardons.

In reply to questions he said that it was unfair to the public and to the parolee to release a prisoner, as the board had done during the closing days of the Folsom administration, without a rehabilitation program having been worked out for him.

The chances, he said, are 10 to one that the parolee in such cases will be a failure.

White said he believed there is nothing wrong with the present law and he thought it should not be changed or amended.

"After all," he said, "the most important thing is to have board members with integrity."

Miss Pirtle, among other things, was asked if she had seen Glen Vinson, former parole board member, "drunk on the job."

She answered that she had.

"Did you see him sign his name to paroles and pardons while he was intoxicated?" she was asked.

"Yes," Miss Pirtle replied.

Son's Release Cost Her $500, Witness Claims

Negro Tells Probers She 'Understood' Part Was For Parole Board

LIVINGSTON, ALA., April 17.—(AP)—The legislature's parole committee Tuesday heard a Negro woman's testimony that she paid $500 to get her son freed from prison.

It was her understanding that part of the money would go to the Pardon-Parole Board, Alice Clark of Cuba, Ala., said at the committee's first public hearing outside Montgomery.

Wednesday the committee moves back to Montgomery for an open hearing. Among the witnesses scheduled to appear are Leonard Lowery, a paroled pardoned convict, and former Prison Director Frank Boswell.

The ex-convict's mother Tuesday told the committee she paid Wilbur Dearman, a Livingston attorney, $425 by check and $75 in cash a week before her son, Alfonso Larkin, was pardoned last Jan. 27. He served 27 months of a 35-year murder sentence.

Placed in evidence before the committee was a receipt for the $500 saying Dearman was to keep $100 for "expenses" if the release came through, and that $400 was to go to A. E. Shamburger.

Shamburger has been previously mentioned before the committee as involved in parole activities.

The recepit also stated that the $400 would be returned to the prisoner's mother if he was not released.

Dearman told her, the ex-convict's mother said, that "so much will go to the board, so much to Mr. Dearman and so much to the man who takes the money there (to Montgomery)."

Similar testimony was given by Ben Larkin, the ex-prisoner's father.

Dearman later denied the woman's account of the conversation, but identified the receipt as one he had given.

But, he said, he didn't have an understanding with Shamburger about the case. Shamburger, whom he identified as Ex-Gov. James E. Folsom's campaign manager in Sumter County, turned down the $400, Dearman added.

"I've got it, or rather I haven't got it," Dearman told the committee. "It went to pay my debts as far as it would go."

Dearman, a former legislator, said he would pay the $400 at the order of the Larkins. He said he considered he was "holding the money in trust."

The committee subpoenaed records of the McMillan and Company Bank at Livingston where Dearman and his law partner, Robert Upchurch, have a partnership account.

They showed that a check for $425 was deposited to the account Jan. 10 and that a check for $400 was drawn on the account Jan. 15, the day Alfonso Larkin was pardoned.

Dearman produced the cancelled check which had his signature on it and was made out to cash.

In another case, a Negro ex-convict and two relatives testified that they understood money was raised to get him out of prison.

The ex-convict, James Harris, was paroled last January after serving nine months of a 10-year grand larceny sentence.

Quotes Brother

He said his brother, identified as M. C. Miller of Buffalo, N. Y., told him he had arranged with some man to get him out.

Harris said he was helping pay back the money which amounted to either $400 or $900.

Louise Anderson, Harris's mother, told the committee she gave $150 to Miller when he told her he needed it for Harris' parole. Another witness, Hattie Miller, Harris' aunt, said she put up $50 for the same cause.

All said they did not know who got the money. But Louise Anderson and Hattie Miller both said Shamburger later came to their home to get money he said M. C. Miller owed him.

They said they gave him small amounts but that he refused to give them a receipt.

In still another case, Parole Officer Joe Perry testified that Mrs. Andrew Eaves had told him she raised $500 to get the release of her brother-in-law Holley Eaves, who was pardoned Jan. 8, 1951, from an eight-year murder sentence. Eaves pleaded guilty to the charge last October.

Both Mrs. Eaves and the ex-convicts, however, flatly denied knowledge of any financial transaction to get him pardoned.

Petition Cited

Holley Eaves said State Senator John Pinson of Sumter County had presented a petition by residents of the county in his behalf.

Pinson voluntarily took the stand and explained that he was convinced the killing for which Eaves was sentenced was justifiable.

He said he sent a petition to the board and talked to Parole Board Secretary L. B. Stephens about the case, but that Eaves had been released before he could talk to a board member helping get the prisoners released in each case.

He told the committee he spent the $500 was to go $100 in getting a parole for Negro Frank Moore who served the legislators, however, also denied any part in a about four years of a 40-year financial transaction. murder sentence.

Pinson also was identified with But he spent $150 working on

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6 Life Termers, Negro Serving 99-Year Term Are Included On List

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His Appointees Are Branded Unfit For Job

Failure To Fire Them Cited In Report

Special to The Post-Herald

MONTGOMERY, July 24—Blame for the breakdown in Alabama's pardon and parole system was laid squarely in the lap of former Gov. James E. Folso mtoday.

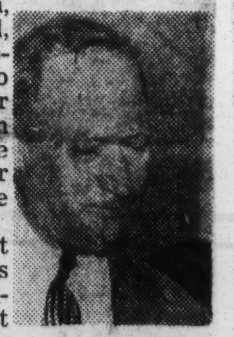
And a report by a special legislative investigating committee charged former Board Members Bill Drinkard and Glen Vinson with "grave malfeasance in office."

DRINKARD

The report climaxing an exhaustive probe into mass releases of convicts during the fading days of the Folsom administration was released by the committee today.

It charges that under the Folsom-dominated board paroles were "bought and sold for money," that political influence and friendship was one of the most important factors in obtaining pardons and paroles.

The former governor was responsible for the breakdown in the parole system, the report said, because he appointed men who were "unfit" for office, and then failed to remove them "when their unfitness became obvious."



VINSON

And, the report added, "There is too much credible evidence that the ex-governor (Folsom) exercised his influence over the board in certain cases to ignore."

Wealthy prisoners and those with political influence, the committee reported, were given priority over minor offenders and those without money or political connections.

'Betrayal' Charged

"This was a betrayal of the little man."

The report said many paroles were granted without any effort being made to investigate the merits of the cases.

"Hardened criminals with long records of conviction, escape and delinquency, were released on society, without any evidence of a desire or intent on their part to reform.

"Sex fiends with records of offenses against small girls were released.

"Criminals convicted of heinous crimes were released after only a few days' imprisonment."

The report did not say Vinson and Drinkard received any of the money paid for paroles, but observed:

"Is it not reasonable to assume that there could be produced a photograph of cash passing from go-betweens to board members."

Drinkard and Vinson both were described as "morally and temperamentally unfit" to serve on the board.

Vinson served on the board from Oct. 1, 1948, to Jan. 15 of this year. Drinkard was appointed a year later than Vinson and also served until the end of the Folsom administration.

After first turning down their resignations, Folsom accepted them the final day he was in office.

Given Short Release

On the "buying and selling" charge, the report said "before a man was pardoned or paroled, he was frequently released on a three-to-five-day temporary parole. The inference that the purpose of the temporary parole was to enable the prisoner to make 'arrangements' is logical and well-nigh inescapable. This is known to have occurred in case of prisoners who were paroled or pardoned within a fe wdays or weeks thereafter."

Some attorneys, the committee said, were paid fees upwards of $1000 for getting convicts freed. In other cases, the committee said, the money went to "persons having influence with the pardon and parole board for one reason or another."

Three persons, Roy Drinkard, brother of the former board member; Tommy Vinson, son of Glen Vinson, and Rep. Emmett Wood, have been indicted by a Montgomery County Grand Jury on charges of perjury in telling the committee they did not receive money or anything of value for helping get paroles.

Cash Payments Charged

The report said corroborated testimony from several creditable witnesses was given to show that cash payments were made to Roy Drinkard and Tommy Vinson.

The report also went into Glen Vinson's financial affairs, which

Vinson refused to do before the committee last week.

Evidence showed, the report said, that Vinson, his wife and son, paid off some $17,000 in debts and handled $35,000 in cash while on the board, although the father and son had a total income of less than $9000 a year.

Laws Called Model

The committee said Alabama's pardon-parole laws are "model laws" and a basicly sound framework upon which to build the system.

From 1939 until October, 1949, the committee said, the system operated in an orderly and systematic manner.

"After Oct. 1, 1949," the report added, "political influence was one of the most important factors in obtaining pardons and paroles.

"Members of the ex-governor's cabinet, local political leaders, campaign managers, administration legislative leaders and other political friends were able to secure favors from the board."

Confusion Charged

The committee said the mass release of prisoners reached such a volume during the fading days of the Folso madministration that the halls, corridors and grounds around the Pardon and Parole Building were "packed with pardon and parole seekers.' The board's operations "deteriorated into uncontrolable confusion.'

The committee commented:

"This wholesale and corrupt release of prisoners constituted a prostitution of the administration of justice in Alabama. The stench therefrom has risen to plague the nostrils of all good citizens of the state."

To prevent such a situation from occurring again, the committee recommended changes which would limit the power of the board to release convicts.

Recommendations Made

These points were recommended:

1. Every willful neglect or failure of a board member to perform a duty required by law should be punishable by a prison term from one to five years.

2. No pardon or parole should be granted except at an open meeting of the board held after public notice is given.

3. Every prisoner released on parole should have served at least one-third of his term or 10 years, whichever is the shorter, except by unanimous vote of the board. No pardon should be given until the full sentence is completed or until the ex-convict has been on parole three years, whichever is lesser.

4. No prisoner should be paroled to or be employed by any state official.

5. Members of the board should continue to be appointed by the governor for six-year staggered terms and subject to confirmation by the Senate. Vacancies would be filled by the governor from a list of names submitted by a board composed of the chief justice of the state Supreme Court, the lieutenant governor and the state superintendent of education.

6. Appointments made while the Legislature is not in session would be cancelled if the Senate failed to act on them within five days after they are submitted.

7. The Parole Board should be prohibited from granting temporary releases and that authority vested instead in the state prison director.

Report Winds Up

In winding up its report, the committee said there were many cases where it was convinced that deliberate perjury was committed by witnesses testifying before it.

Members added that there were so many cases in which evidence of irregularity was reported that it was impossible to investigate all of them.

"A safe estimate is that it would require at least three years to examine carefully and to investigate fully all of the cases of pardon and parole about which there are suspicious circumstances."

The committee expressed its appreciation for assistance to Maj. N. W. Kimbrough, J. V. Kitchens, A. A. Troupe Sr., and C. C. Hitt, who served as investigators, and to Fred J. Bodeker of the Bodeker National Detective Agency.

The publications of the state also were thanked for "their enlightening news coverage and their encouraging editorials."

Bare Payment Of $500 To Gain A Pardon

LIVINGSTON, Ala. — A former State representative accepted $500 to win a pardon for Alfanso Larkin and said he would give $400 to a one time campaign manager for Gov. Folsom, according to testimony by Larkins' mother last week.

Mrs. Alice Larkin's statement before a legislative committee on pardons and paroles was backed up by similar testimony by her husband, Ben Larkin.

The ex-representative, Wilbur Dearman of Sumter, admitted he was still holding the money but denied he gave $400 to A. E. Shamburger, a Livingston bail bondsmen who was Folsom's Sumter campaign manager in 1946.

Dearman said when the pardon was granted he offered $400 to Shamburger but he would not accept it.

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Work Started By Grand Jury

Investigation Of Mass Pardons And Paroles Considered Probable

A newly drawn Montgomery County Grand Jury was believed in the process Monday of investigating the mass pardoning and paroling of convicts in the closing months of the Folsom administration.

Circuit Solicitor William Thetford declined to say definitely whether the grand jury which started work Monday morning would be asked to look into the parole activity.

Neither did Circuit Judge Eugene Carter specifically direct the jurors to make the investigation. But he did tell them that "I suppose you will have brought to your attention some evidence as to violations in reference to convicts and prisons."

Judge Carter admonished the grand jury to consider all testimony "without prejudice" and to return indictments against anyone "rich or poor, politically powerful or not," if the evidence warrants prosecution.

But he also cautioned the 17 white jurors and one Negro against indictments which might be based on "hearsay" testimony.

A special legislative committee has been investigating for more than three months the wholesale release of prisoners by ex-parole board members Bill Drinkard and Glen Vinson. Committee Chairman Tom Johnston of Mobile has said the findings would be available to the grand jury.

More Than 2,000 Released

In the 15 1-2 months from Oct. 1, 1949, when Drinkard and Vinson got control of the parole board, until Jan. 15, of this year when they left office along with former Gov. James E. Folsom, more than 2,000 convicts were paroled or pardoned.

The legislative investigating committee has heard testimony that money was paid to friends of the Folsom Administration to get prisoners released.

Besides the anticipated inquiry into parole matters, the grand jury also was expected to investigate the recent series of fires which heavily damaged the Kilby Prison cotton mill. Six prisoners have been charged with arson.

The negro chosen on the jury is Amos Parker, superintendent of the Negro reformatory at nearby Mt. Meigs. Judge Carter observed that Parker's presence would "help us understand each other's problems."

Judge Carter also asked the jury to see to it that gambling is kept out of Montgomery.

He referred to gamblers as "leeches on society," and their winnings as "blood money."

"The type of citizen who is affected with gambling mania must be protected," Judge Carter said.

He told the jurors of his policy of giving jail sentences to drunk drivers on second offense. His also repeated his policy of a $500 fine for carrying concealed pistols.

$2,500 Traced To Rep. Wood By Witnesses

Probers Told He Kept Negro's Parole Until Legislator Paid $400

By REX THOMAS
Associated Press Writer

GROVE HILL, ALA., April 2[illegible]—More than $2,500 in parole money was traced in testimony Thursday to a member of the legislature who had insisted that he received only $50 to get convicts out of prison.

In [illegible] case, witnesses told the legislature's parole investigation that Rep. Emmett Wood of [illegible] County had a Negro convict at his home but released it until he was [illegible]

[illegible]ess said he saw [illegible]p "about $1,000" off [illegible]om bed in Montgomery endorsing a $995 check which had been issued to a convicted burglar.

Wood, himself, in previous testimony before the committee had admitted putting his name on the check which was made out to William E. Horgan, but said he did it for a friend and did not get any of the money. Horgan was pardoned out of

prison a few days after the check was cashed.

The legislator also told the committee when he appeared last week that he never received any money for any parole except one case in which he said he received $50 for expenses. He specifically denied getting any money in three instances in which witnesses Thursday testified he was paid at least $900.

The parole which Wood reportedly held in his possession until he received $400 was issued for a Negro, West Roper, who had served 21 months of a 10-year murder term.

Four members of Roper's family testified that Wood handed over the parole papers at his home in Millry on Saturday, Jan. 13, after the $400 was paid in cash.

"$400 Or Nothing"

Three of the witnesses said they had visited the legislator earlier in the day with $200 but that he told them it was "$400 or nothing."

That was two days before the Folsom-appointed Bill Drinkard-Glen Vinson parole board went out of office.

Another who admitted taking part in the Roper parole was a white employe of the State Highway Department shop at Grove Hill, Ivy K. May. He said Wood had sent him word that a parole for Roper would cost $400 and that he passed the message on to members of the Negro's family.

May told the committee that he had written the parole board some time before in an effort to get Roper out to work on his farm but that he was turned down. Then, on or about Jan 11 he said, he received word from the Washington County legislator that he could get the man out.

Testimony about the Horgan check came from one of Wood's constituents, Percy L. Beech, of Wagarville. He said he was in Montgomery on other business with Circuit Solicitor E. P. Turner and that Wood called him to come to a hotel room.

The room was occupied, he said, by Horgan's wife and Mrs. W. E. Smith, wife of another convict who was pardoned along with Horgan on Jan. 12. The two convicts had been convicted of two burglaries in Clarke and Wilcox Counties

Tossed Out $1,000

Beech said Wood endorsed the $995 check after he (Beech) had refused to put his name on it. Former Rep. E. L. Roberts, of Gadsden, had been in the room, the witness said, but had left. After Wood endorsed the check, Beech continued, he and one of the women left the room. When they returned later, he said, the woman took about $1,000 out of her purse and tossed it on the bed.

The witness said Wood picked up the money, counted out about $75, gave it to the woman, and put the rest in his pocket.

Mrs. Smith and Mrs. Horgan were reluctant to pay the money to Wood, Beech testified, but did so after he promised to have Horgan out of prison the next day. One of the women told Wood they would kill him if he didn't get Horgan released after taking the money, Beech testified.

The legislator told the woman, Beech continued, that he had Horgan's release "all fixed" but that the "damned old governor (James E. Folsom) was acting contrary."

Knot On Head

The witness said that when Wood called him and asked him to come to the hotel room the legislator told him there had been some trouble.

When he arrived, he told the committee, Wood was out of breath and there was a knot on the side of Roberts' head. He said one of the women told him that Wood had hit Roberts.

Wood, in his testimony last week, refused to identify the friend he said had asked him to endorse the Horgan check but suggested the committee ask Roberts about it. Later, at a hearing in Gadsden, Roberts said as far as he could recall he never saw the check and that he could not remember asking Wood to endorse it.

Another witness who testified Thursday that he paid Wood money to get a parole was a white man, Wesley Brooks, Sr. He said he gave Wood $325 at a Montgomery hotel and that his son, Wesley, Jr., was later released.

Earlier Thursday, four witnesses testified that they paid Wood at least $900 to get paroles for three Negroes — Alfred Bush, Charlie Kirkland and Ina Gamblin.

Ina Gamblin testified that Wood had told her it would cost $300 for expenses to get her paroled. Quilla and Murray Williams, her daughter and son-in-law, confirmed the testimony.

Another witness, Grove Hill Cafe Owner L. B. Deavers, told the committee he asked Wood about getting a parole for a Negro convict, Alfred Bush. Wood said it would cost $350 for expenses, Deavers said.

"He told me that it took a lot of money to drive his car and go to Montgomery and take people out and entertain them," Deavers testified.

After Bush was released, Deavers said, he paid another $350 to get a parole for another Negro convict, Charles Kirkland.

The cafe owner said he considered the money a loan to the two Negroes and that both had partially repaid him. Kirkland, he said, put up $75 of the money, himself.

John Quincy Hall, now a Clarke County deputy sheriff, testified that he loaned $300 to Kirkland. The Negro told him, Hall said, that he needed the money to see someone about his release.

Wood brought the parole papers to his house and asked if Hall wanted him to work in a filling station he was operating then, the deputy added.

Two women say Dickerson paid for parole work

BY HUGH W. SPARROW
News staff writer

MONTGOMERY, Ala., May 29—Legislative pardon and parole investigators closely grilled many witnesses yesterday in an effort to disprove Roy Dickerson's claim he did not profit financially as a result of pardons and paroles obtained during Folsom's last year in office.

During an all-day hearing—a part of which was open—committee members recorded sworn statements from two witnesses that the former bank bandit and prison escape artist had received $500 for a parole.

The money assertedly was paid for the parole received by Ethel Mae Hawthorne, Negro, sentenced to eight years in Baldwin County for burglary. Ethel Mae testified—and her stepmother, Johnnie Mae Hawthorne, backed it up—that the money was paid to Dickerson by the stepmother for her release.

Dickerson, under close questioning by committee members last Thursday, had sworn he did not receive any money for his efforts and that the only thing of value received at all was "one tankful of gasoline."

* * *

ALTHOUGH COMMITTEE members were able to record sworn testimony that Dickerson allegedly received $500 for the Hawthorne girl's parole, they encountered setbacks in testimony from other witnesses.

In one particular instance, Daisy Edwards, a Mobile Negro, allegedly repudiated a statement she had given recently to committee investigators concerning the pardoning of her son, Clarence Edwards.

Her statement to investigators was that after she had paid $1,500 to one person who failed to get her son released, she paid $500 to Dickerson and promised him $200 more. As a result, she said in her statement, her son was pardoned.

On the witness stand in the committee room yesterday the witness declared that if she had told investigators she had paid Dickerson $500 "it was a lie."

Although the investigators in question stood in front of her as Sen. Thomas Johnston, III, of Mobile, committee chairman, read the investigators' account of her statement, she still insisted she had not paid Dickerson any money.

* * *

DURING the afternoon the committee questioned at least a score of witnesses, all from Mobile County, behind closed doors.

Committee members disclosed later that some of the other witnesses apparently had "changed their stories over the week-end."

In his testimony last week Dickerson was questioned about the parole of Ethel Mae Hawthorne. In reply, he said, his late brother, Claude Dickerson, had talked with her. He added that if anything was paid to the brother he had no knowledge of it.

* * *

EARLIER yesterday the committee questioned Mrs. Dorothy Benjamin, pretty brunet wife of Oliver Benjamin, who received a five-year sentence last June on a guilty plea to embezzling $36,000 from the Mobile City Busline.

Among other things, Mrs. Benjamin said she conferred with three state officials in connection with her husband's release on parole, followed by a pardon. She identified them as former Highway Director Ward McFarland, former Finance Director Knox McRae and former Asst. Atty. Gen. Si Garrett, now attorney general.

She said each of the three contacted the Parole Board and later reported the board did not seem to be favorably inclined.

Mrs. Benjamin admitted she had held a series of hotel room conferences with McRae and had gone to Huntsville for an overnight trip with McRae and former Parole Board Member W. H. (Bill) Drinkard.

She referred to the occasion as "more of a party than a conference."

* * *

THE EDWARDS woman testified she had disposed of some property in 1949 and had paid $1,500 to Burt Branch, Mobile, close friend of Gov. Folsom's, in an effort to get her son released from prison.

Committee members then brought up her statement that she had paid Dickerson $500 and promised him $200 after it appeared that Branch could not get her son released.

"You know you have told others you did go by and see Dickerson?" a committee member prodded.

"I told them," she replied, "but I am now telling the truth. I did not go by to see Mr. Roy."

"Are you telling the truth or what Frank Pugh told you to say?"

(Pugh, a former convict, according to committee investigators' accounts of what she told them, reportedly urged her to get Dickerson to act.)

Her answer was "no."

"And Frank Pugh didn't tell you to say you gave the money to Burt Branch and not to Roy Dickerson?"

"No. He didn't."

"When you said you had paid $500 to Roy Dickerson, were you lying?"

"If I said it I told a lie."

"Who have you talked with about this?"

"Mr. Branch."

"What did he say?"

"He called up and said 'have you had a visitor?' I said 'yes.' Then he asked if I had received a subpoena. He didn't ask about nobody. He just said 'tell the truth.'

"Who else talked with you?'

"Nobody. If Frank Pugh said he told me what to say he was telling a lie."

"You know Frank Pugh came to your home on Christmas day and said Dickerson got him out and could get your son out too?"

"No."

"Then who told you about Roy Dickerson?"

"A boy called 'Rabbit.'"

* * *

AT THAT POINT three state investigators stood up and the statement she allegedly made to them was read to her.

"Do you remember telling them that?"

"I just told them what I thought they wanted to hear."

"Did you tell them a lie?"

"If I said I gave Roy Dickerson $500 it was a lie."

* * *

BRANCH followed her to the stand.

"Did Daisy Edwards pay you $1,500 to take to Emmett Wood for the purpose of getting Clarence Edwards out of prison?" he was asked.

"No," he replied. "She gave me $1,500."

"Was that for the purpose of helping to get Clarence out?"

"Yes. I made 30 or 40 trips to Montgomery in three or four years. In fact, I tried to get Clarence out in 1947. On another occasion she offered me $2,000 just to have Clarence moved to Atmore Prison where it would be convenient for her to visit him. I told her I'd get him transferred and it wouldn't cost a cent. And I did."

"Did you tell Daisy the governor said he was going to get Clarence Edwards out?"

"Yes. He told me if it was possible he would."

"To whom did you talk about Clarence Edwards besides the governor?"

"To Vinson, Drinkard and anybody else in politics who might help."

"Did Emmett Wood do anything to help get him out?"

"He made two or three trips to Montgomery."

"Did you give him any part of the $1,500?"

"I paid his expenses on these trips but I didn't give him any of the money."

"Did you tell Daisy if you couldn't get Clarence out you would return the money?"

"I told her if she wanted me to keep on trying she would have to pay my expenses. I made four trips to Montgomery in the last 10 days the old board was in power. My interest in the case was purely personal. I've known Daisy ever since I came to Alabama."

* * *

THE WITNESS added he had given up when he saw that Clarence Edwards received a pardon.

"Did Daisy ever tell you she called on Roy Dickerson?"

"No, but I have heard rumors that Dickerson got him out."

Mrs. Benjamin was smartly attired in a white Summer suit matched by a lacy cap.

Her testimony closely duplicated that given last Thursday by McRae.

She was a willing witness until the end when the committee tried to force her to say from whom she had borrowed $500 to cover her expenses while in Montgomery. She insisted it was "from a friend who has no connection at all with this."

Committee members indicated they would resume the hearing Thursday.

* * *

AMONG THOSE who testified behind closed doors were:

Miss Jessie Ruth Fickley, Mr. and Mrs. W. R. McPherson, Jessie L. Fretwell, Johnny Brunson, Lt. Joe Burch, of the Mobile Police Department, Richard P. Sullivan, Mrs. A. D. Thompson, William A. Sullivan, Paul Pugh, W. T. Bishop and N. L. Hale, all of Mobile.

Woman reports parole payment to Folsom friend

MONTGOMERY, Ala., May 28—(AP)—A Negro woman testified today that she gave $1,500 to a friend of ex-Gov. James E. Folsom to be paid to Rep. J. Emmett Wood to get her son out of prison.

But the witness, Daisy Edwards, of Mobile, told the conflicting stories about whether she also paid one-time bank robber Roy Dickerson $500 for her son's pardon.

She related to the Legislature's parole investigating committee that Rep. Wood had told her he could get her son, Clarence, released for $1,500. She said she turned the money over to Burt Branch after Wood suggested that she do that because he would not be present to receive the money himself.

Branch was a close friend of ex-Gov. Folsom.

* * *

BRANCH, FOLLOWING THE woman on the stand, admitted that she paid him $1,500, but he said Rep. Wood got no part of it and that the money represented expenses for his activity. He denied, too, that he asked for an additional $500.

Rep. Wood is under indictment on charges of perjury for telling the legislative committee that he recieved no money for his efforts in getting convicts paroled and pardoned. Previous witnesses had testified that Wood was paid more than $9,500.

Daisy Edwards also told the committee today that Branch asked her for another $500, but that it was never paid to him.

She denied emphatically that it was Dickerson instead of Branch, but admitted that she probably had told committee investigators that she gave Dickerson the $500.

Under vigorous questioning, the Negro woman both admitted and then denied telling investigators that story but insisted throughout that she did not pay any money to Dickerson, no matter what she may have said previously.

Earlier in the day another Negro woman told the committee that she paid Dickerson $500 to get her stepdaughter released.

The stepdaughter also told the legislative parole investigating committee that the money came from a GI insurance policy on her brother, who was killed in World War II.

Dickerson, who lives at Mobile had told the committee last Thursday that he never received any money or any other reward for his efforts in getting prisoners out.

He specifically denied he was paid anything by the family mentioned in today's testimony.

But Johnnie Mae Hawthorne told the investigators that she counted out $500 and gave it to Dickerson at her home in Mt. Vernon, Ala.

Her stepdaughter, Ethel Mae Hawthorne, testified earlier that she had discussed a parole with Dickerson's brother, Claude, and that he told her it would cost $500.

SHE SAID SHE SENT the money to her father, and that her stepmother later told her the money had been given to Roy Dickerson.

Johnnie Mae told the committee that both Roy and Claude Dickerson came to her house several times, and that once Claude became "right disagreeable like" when there had been a delay in getting up the money.

She said on that occasion Claude told her Roy Dickerson would be the one to come by and pick up the $500.

Another witness, comely Mrs. Oliver Benjamin of Mobile, admitted accompanying former Parole Board Member Bill Drinkard and former State Finance Director Knox McRae on an overnight trip to Huntsville while she was trying to get her husband released from prison.

The shapely Mrs. Benjamin also told of talking about a parole with McRae on several other occasions in hotel rooms and other places. She denied that she ever paid any money to anyone in connection with the release of her husband.

She denied also she had told a Mobile parole officer that she had pawned a ring for $500 to help get Benjamin free. She admitted, however, she did borrow $500 from a friend in Mobile and put the ring up as security.

Mrs. Benjamin released to give later pardoned outright after serving less than six months of a five-year term.

Former Finance Director McRae, in his testimony last week, told a similar story of frequent meetings with Mrs. Benjamin.

Benjamin, who was convicted of embezzling $36,000 from the Mobile City Bus Lines, was paroled and

12 Prisoners Given Paroles

Twelve convicts, including two sentenced from Montgomery County, were granted paroles during the week ending June 25.

During the past week the Pardon and Parole Board denied 36 applications for parole and revoked one that had been granted previously.

Two applications for pardons were granted and none was denied.

The two pardons were given to:

Ned Moultrie, Negro, sentenced from Dallas County on Nov. 1, 1935 to serve 30 years for second degree murder. He was paroled Jan. 9, 1946.

Lucile Williams, Negro, sentenced from Jefferson County on Nov. 1, 1940 to serve 25 years for second degree murder. She was paroled Dec. 12, 1944.

Those receiving paroles:

D. M. Barnett, sentenced from Jefferson County on Sept. 15, 1950 to serve 12 months plus fine and costs for vagrancy.

James Bascomb, Negro, sentenced from Jefferson County on Jan. 17, 1950 to serve three years for grand larceny.

Shag Brown, Negro, sentenced from Choctaw County on May 5, 1947 to serve 12 years for robbery.

Sam Caldwell, Negro, sentenced from Calhoun County on June 18, 1943 to serve 20 years each on two cases of assault with intent to murder.

Earnest Eatman, Negro, sentenced Tuscaloosa County on May 10, 1949 to serve a year and a day and five years for two cases of grand larceny.

Edward Lewis Houston, Negro, sentenced from Jefferson County on Dec. 14, 1948 to serve a year and a day in two cases and two years in another for buying, receiving and concealing stolen property, burglary and grand larceny.

Jack McKeithen, Negro, sentenced from Montgomery County on May 23, 1949 to serve two years each in two cases of grand larceny.

Earl Price Medlock, sentenced from Montgomery County on March 4, 1949 to serve six years for grand larceny.

John Henry Smoot, Negro, sentenced from Sumter County on Oct. 11, 1950 to serve a year and a half for grand larceny.

Lee Taylor, sentenced from Winston County on June 30, 1950 to serve two years for grand larceny.

Percy Thames, sentenced from Escambia County on June 22, 1943 to serve 15 years for assault to murder.

Lynn Newton, Negro, sentenced from Sumter County on Oct. 11, 1950 to serve a year and a half for grand larceny.

Board hears Wood's story contradicted

BY HUGH W. SPARROW
News staff writer

GROVE HILL, Ala., April 26—Sharp differences in the testimony of Rep. J. Emmett Wood, of Washington, last week and in the sworn statements of other witnesses were brought to light today as the joint legislative committee investigating pardons and paroles met at the Clark County Courthouse.

Wood, according to the official transcript of the investigation, told committee members last week that with the exception of one case in which he received $50 for "expenses" he did not receive "a dime" in return for paroles and pardons obtained during the closing days of the Folsom administration.

Witnesses said today Wood was paid in all more than $500 in three cases and in a fourth case he received a deed to a Negro's 20 acres of land.

The Washington County legislator last week was asked if he had accepted anything from L. B. Deavers, Grove Hill restaurant operator, for obtaining paroles for Alfred Bush and Charles Kirkland.

The witness' answer, the transcript disclosed, was: "Not a dime, not a dime."

On the witness stand today Deavers told the committee he had paid Wood about $300 apiece for the two paroles.

Wood was asked last week if anyone had contacted him to get a parole for another prisoner, Henry Lewis Chapman. His answer, according to the record, was "Quincy Hill."

Clarke County Deputy Sheriff Quincy Hill testified today he had never discussed the Chapman parole case with Wood. He added, however, he had loaned Chapman $350 before Chapman was paroled and that Chapman said he wanted it to get out of prison.

Deputy Hill added that Wood brought Chapman's parole papers with him to Grove Hill camp where the prisoner was serving.

* * *

SHORTLY before the committee recessed for the noon lunch hour, Wesley Brooks, Sr., father of Wesley Brooks, testified he had paid $325 to Wood as expenses. Immediately thereafter, he said, Wood obtained a parole for his son, who was serving a sentence for forgery.

Last week before the committee, Wood was asked the following question:

"Now did you — except in the Armstrong case where you got $50 for expenses—ever at any time ever receive any money or anything of value, gift or gratuity for any service you rendered or any effort you expended in connection with pardons and paroles?"

Wood replied: "Not even a cigar, not even a Coca-Cola."

13d 1951

North Carolina

Kenneth Williams On N.C. Board Of Parole

WINSTON SALEM, N. C.—The Rev. Kenneth R. Williams, city councilman and member of the school board, has been named to the state board of paroles in North Carolina. The Winston Salem State Teachers College professor is the first Negro to serve on this board.

POLICE-KILLE VERNON
KIDD GIVEN FINAL RITES
ON SUNDAY

Tallladega,Ala. Police killed Vernon Kidd, 26 year old Vincent, Alabama citizen was laid to rest here Sunday.
Mr. Kidd, a member of prominent Alabama family, was allegedly killed in Birmingham, Ala., at 12:30 A.M. Monday morning, May 28 by Police officer Roy Massey of Birmingham Police Department. His death marks the seventh for Alabama and the fourth for Birmingham in which a Negro citizen has been killed by police.
In Birmingham, investigating officers gave this as their official version:
On complaints of "Mary Byler, Mary Lew, Grace Box and Charlie Jones, 4332 11th Ave., North (made by telephone) to headquarters about a prowler and "Peeping Tom" that officers were sent to the above address"but could not find him at that time.
"This man (Vernon Kidd) was seen in the neighborhood several times over a period of some hours. He was picked up later at night by Car No. 5 manned by C.H. Rushing, E.F. Mitchell and Roy Massey. They carried victim (Kidd) back as the Negro who was prowling in the vicinity and around their residence. They (the officers) left there with him in the Police Car."

"He (Kidd) attacked Officers Roy Massey and E.F. Mitchell, a fight ensued. Both Officers were kicked and scratched and their clothes were roen.Officer Massey fired several shots and two of them took effect in victim's head."
"Lumzy (Funeral Home) carried him to the Hillman Hospital. He (Kidd) was pronounced dead on arrival."
"Detectives R.A. MacMurdo and M.H. House conducted the investigation. Relatives of the slain man said that Vernon Kidd worked as a laborer at the Coosa River Newsprint Plant in Childersberg,Ala., where he had been employed for about a year and a half.He is the father of two boys, ages 3 and 4 and his wife is an expectant mother.
He was said to be in Birmingham trying to arrange for a musical program in which he was making contacts with local sing ing groups. He was said to have driven his automobile to Birmingham, and was believed to have been riding in it during the time he was questioned by police officers.
The slain Mr.Kidd is the son of the Rev. P.E. Kidd of Vincent,Ala.,pastor of four Baptist churches and a minister for over 40 years. He has five brothers and three sisters.
Samm Kidd of Vincent and Junior Kidd of linesville,brother of the slain man, said that the police-killed brother did not smoke. drink, curse of abuse people.

Vet Is 'Accident' Victim as 'Bama Cops Kill Eighth

BIRMINGHAM—The "accidental" shooting of Tom Patterson Jr., 26-year-old World War II veteran, July 4, by Police Officer R. F. Watson, is causing public attention here to be focused upon the Birmingham Police Department.

Patterson, a plasterer by trade, becomes the fifth Negro citizen killed by Birmingham police during 1951. In three and one-half years, twenty-six Negro citizens reportedly have been killed by police officers here. He lived at 1405 Coosa Street.

In the community where Patterson lives, the neighborhood folk were showing deep concern. One East Birmingham community leader said that Patterson's death was the fourth man of their community to be killed by police.

Funeral services for Patterson were held July 10 at the Forty-fifth Street Baptist Church, pastored by the Rev. L. M. Turner.

Close survivors are the mother, Mrs. Ethel Mae Louis; stepfather, Redrick Louis; common-law wife, Mrs. Marie (Davis) Patterson; two brothers, Willie Patterson and Arthur Lee Patterson, and a sister, Mrs. Mary Patterson Graves of Reidsville, N. C.

TOM PATTERSON JR., WORLD WAR II VET
. . . *Independence Day "accident" victi*

Box score of Negroes killed by police over three and one-half-year period:

	BIRMINGHAM	JEFFERSON COUNTY	ALABAM
1951	5	5	8
1950	5	6	13
1949	6	10	17
1948	10	14	14
Totals	26	35	52

Policemen Accused Of Kicking Ill Vet

MOBILE, July 11 (AP)—Two Mobile policemen were accused today of slugging and kicking a mentally ill war veteran while he was handcuffed.

The charges of brutality were filed with the City Commission by representatives of the Veterans of Foreign Wars and the Disabled American Veterans.

The complaint said the patient, whose name was not given, was mistreated when he resisted transfer from the Marine Hospital to the mental receiving unit at City Hospital.

The allegations were made against Patrolmen Fairlee Morgan and Donald Riddle. The patrolmen denied they had mistreated the patient.

Mayor Ernest Megginson said the City Commission would make an immediate investigation and take whatever action is deemed necessary.

Alleged mistreatment of the patient took place last Friday when the two patrolmen were given the assignment of transferring the man.

The patient was moved today from the City Hospital unit to the Veterans Hospital in Gulfport, Miss.

That Is A Shameful Record

The National Association for the Advancement of Colored People, at its 42nd conclave in Atlanta two weeks ago, focused attention upon the shameful record of violence visited upon Negroes of Birmingham, Alabama by that city's Police Department. In a resolution adopted unanimously by the delegates, the Association called upon United States Steel officials to use their influence in putting an end to police brutality.

Officials of the Tennessee Iron and Coal Company, a branch of U. S. Steel, denied that they had any such influence over the Police Department. And so killings go merrily on, to the shame of Birmingham, the South and the Nation. Nowhere else in America can such an appallingly large number of slayings by police be duplicated.

That is what Walter White meant back in 1945 when he said that lynchings have not really declined so much as the fact that they have gone underground. Now, instead of mobs taking Negroes out to slaughter, officials of the law in some sections slay Negroes and charge it up to "resisting arrest" "advancing with a gun or a knife," or some other weak and unsound argument to justify their action.

As evidence of this, we reprinted herewith an editorial from the Birmingham World, citing facts and figures, names and dates on which Negroes have been slain by police officials. A northerner, or what we are prone to call "outsiders," would probably be misled in believing these excuses, but white and Negroes of the South know only too well the mind of the Southern Negro. Negroes reared in the South, particularly the rural South, have a native fear of white people, not to mention policemen. Bitter experience and death have taught him across the years not to resist the orders of police and other enforcement officials. That too, is another reason why it is going to be difficult to force the reasonable mind to believe that all of these slayings could be justifiable.

In addition to this large number of killings, Birmingham has a unique record of her own for bombings. No other southern city can boast of the large number of unsolved bombing of Negro homes within the past year and a half as Birmingham.

period of four years, the figure runs to approximately 26. Let us look at the record for 1950 and 1951.

	VICTIMS	DATES	Alleged Officers Involved
		1951	
1.	EDDIE JACKSON	Jan. 10	H. B. George
2.	ALFRED CARTER	Feb. 11	Q. R. Trott
3.	EDWARD FORD	March 26	H. T. Barron
4.	VERNON KIDD	May 28	Roy Massey
5.	TOM PATTERSON JR.	July 4	R. F. Watson
		1950	
1.	EUGENE H. BURKE	Feb. 9	J. A. Hale
2.	CHARLES HOWARD	March 18	J. E. Lambert
3.	RAYMOND SMITH, JR.	Mar. 24	R. E. Dyer, C. B. Shivers
4.	FRANK NASH	June 22	R. C. Casey, Dan Purvis
5.	FRED PERRYMAN	Dec. 19	Henry L. Darnell

Columnist John Temple Graves wrote July 9 in the Birmingham Post-Herald:

"Ridiculous as Emory Jackson's charges are, and confoundedly ridiculous as are Walter White's, too many Negroes are killed in Birmingham by police officers. We would do better to admit it and consider where the blame lies, with the police or with our Negro population."

This data can be checked against the records at either the Birmingham Police Department or the Jefferson County Coroner's office. The Birmingham World should like to see these records checked and the whole problem probed. One may check the dates of these alleged police killings against the dates of events as reported in the daily or weekly press to determine how closely they follow either happenings favorable to the Negro group or unfortunately intemperate and hostile utterances made by responsible public officials in high places.

These are not merely charges; these are the records. We have reported this shameful record because it hurts the good name of Birmingham and provides propoganda for those who do not like democracy and individual freedom. Negro and white leaders, it seems to us, should join hands to improve the relationship between the police and the Negro citizenry of Birmingham.

We are not afraid to "consider where the blame lies" as suggested by Columnist Graves. As a matter of fact, the Birmingham World has urged such a course. Nor does this newspaper make any blanket indictment of all policemen in the Birmingham Police Department. No such charge has been made by the editor of this newspaper. We have simply recited the report which by itself is an indictment.

HERE IS THE FIVE YEAR RECORD

	BIRMINGHAM	JEFFERSON COUNTY	ALABAMA
1951	5	5	8
1950	5	6	13
1949	6	10	17
1948	10	14	14
Total	26	35	52

FBI May Probe B'ham Police

BIRMINGHAM — (INS) — The possibility of a Federal Investigation into the Birmingham Police Department loomed Monday on "complaints of brutality and killing" of Negroes.

The civil rights division of the U. S. Department of Justice confirmed that it has several such complaints "under active consideration."

If the preliminary probe in Washington shows such action is warranted, a full scale investigation will be started on the local level.

The Department said it has one complaint filed by a Birmingham representative of the National Association for Advancement of Colored People and another filed by a Washington representative of the same organization.

During a recent convention in Atlanta, NAACP Secretary Walter White promised he would seek such an investigation.

Police Commissioner Eugene Connor said he has "no objection to anyone investigating the Birmingham Police Department, providing they have the authority to do so."

According to Emory O. Jackson, Editor of the Birmingham World, in one and a half years — 1950 to July 5, 1951, ten Negro citizens in Birmingham have been listed as shot down by certain members of the City Police Department. Over a period of four years, the figure runs to approximately 26. Let us look at the record for 1950 and 1951.

1951

1. Eddie Jackson — January 10.
2. Alfred Carter — February 11.
3. Edward Ford — March 26.
4. Vernon Kidd — May 28.
5. Tom Patterson, Jr. — July 4

1950

1. Eugene H. Burke — February 9.
2. Charles Howard — March 18.
3. Raymond Smith, Jr. — March 24
4. Frank Nash — June 22
5. Fred Perryman — December 19

Starts police inquiry—Mrs. Cooper Green.

Wife of mayor reports officer beat prisoner

The wife of Mayor Cooper Greer charged today she saw a city policeman beat a prisoner.

Mrs. Green said the beating took place in the driveway of the City Hall late yesterday.

She reported the incident to the mayor, who asked for an investigation.

Police Chief Marcus Hancock ordered Lt. Jamie Moore "to get to the bottom of it and make a report."

Asst. Police Chief E. H. Brown is assisting in the investigation. A report to the chief was expected late today.

PUBLIC SAFETY Commissioner Connor said if a policeman was found to have brutally treated a prisoner, "I'll run him away from here. I'll not put up with such stuff as that."

The prisoner was not identified. It was learned, however, that he was taken to Jefferson-Hillman Hospital for a check-up.

The accused policeman was not identified. Mrs. Green said she did not know him.

Commissioner Connor said the prisoner had been arrested downtown, accused of fighting. He said preliminary reports indicated that after the man was placed in the car with the policeman, he began cursing and became unruly.

MRS. GREEN said she was sitting in a car in the driveway, waiting for friends to come out of the City Hall.

She said "I was in the car alone when I saw the policeman drive up with a prisoner in the back seat. The policeman opened the door and the prisoner got out. The policeman hit him . . . and later threw him on the ground. The prisoner was docile. He did not struggle.

"I saw the policeman hit him several times. The prisoner's face was cut. The officer had handcuffs in his hand. The prisoner was not handcuffed."

She said she saw other policemen at the scene and "they just stood and watched."

Mrs. Green said she told the mayor of the incident when he came home from work and that he immediately called the police department and asked that it be investigated.

Asst. Chief Brown said he could not release the name of the prisoner or the officer until the investigation is completed. He did not say if the man were taken on to City Jail after leaving the hospital, or if he was admitted to the hospital.

Warden Of Camp Scottsboro Beats Three With Wooden Stick

MONTGOMERY, Ala. — (SNS) — An investigation of the beating of three Negro prisoners resulted in the dismissal of the superintendent of a convict road camp, it was disclosed here Thursday.

State Highway Director Guerry Pruett, whose department supervises the road camps, announced the firing of Sam Key as warden of Camp Scottsboro in North Alabama.

Director Pruett said Key was discharged following an investigation requested by Prison Director J. M. McCullough. Several months ago, Governor Gordon Persons outlawed the beating of convicts by abolishing the use of the lash in prison.

According to a written report by State Investigator R. A. Troupe, Key struck convicts Earnest Taylor and Ezzie Lawson with a three-foot hickory stick which measured one and an eighth inches in diameter at the small end.

The investigator reported that Key also beat another prisoner, O. C. Allen, with a walking stick.

KEY ADMITS BEATING CONVICTS WITH STICK

Key admitted hitting Taylor, the investigator's written report related, after the convict had refused to work and had grabbed him.

Superintendent Key's version of the incident, Investigator Troupe said, was as follows:

Taylor declined to do the work assigned to him although a doctor had pronounced him fit to perform the labor. Key "thinks" he whipped the prisoner across the buttocks and he (the prisoner) whirled and grabbed him.

The superintendent didn't remember how many times he struck Taylor again, but it was "enough to stop him," the report said.

Investigator Troupe quoted Taylor as saying he protested he was unable to work and that the superintendent yelled at him, "You are going to work. You are going to work....I ought to kill you."

"BLOODY AS HOG"

The report of the investigator also quoted W. G. Atkins, a camp steward, as saying Taylor was "bloody as a hog" and that blood covered an area of about four feet square on the floor of the camp office after the beating.

Investigator Troupe said he found three gashes on Taylor's head, measuring from two and a fourth inches to a half inch, along with other injuries, including a possible wrist fracture.

The report also indicated that when Taylor ran from the room he was followed by Key. Then when Ezzie Lawson got in the way, Superintendent Key struck him. Lawson, who had recently been operated on for rupture, "grabbed his stomach and ran," the report continued.

Investigator Troupe reported that on another occasion, Superintendent Key beat O. C. Allen after the prisoner had a fight with another inmate. Allen was quoted as saying Key struck him five or six times, but Guard Captain Shird Carter gave the number as seven or eight.

The report disclosed that another guard, J. A. Paradice, complained to Investigator Troupe that conditions at the camp at times were "unbearable," and that Key had told he would lose his job if he talked.

The investigator also reported that Jackson County Probate Judge J. W. Stuart told him guards had come to him at various times protesting about conditions at the camp and asking for his help.

An employee of the highway department for 20 years, Key had been superintendent at Camp Scottsboro a year.

Parents file complaint— Edward Johnson.

Two new cases—

Youth, cripple both say police here beat them

Two more cases of alleged prisoner beating by Birmingham police were on file this afternoon with investigations in both under way.

One case involved a 15-year-old Industrial City boy, who said he was beaten Saturday night and another, a 59-year-old spastic, who complained of being beaten near his home outside the city limits.

The youth is Edward Johnson, son of Mr. and Mrs. W. M. Johnson, 120 Avenue A, Industrial City. He said he was beaten by Officers W. H. White and a new policeman named McSween at a Third Avenue service station.

The spastic is Luther M. Southerland, 8425 12th Avenue, North, just outside the city limits.

Persons who said they witnessed the beatings gave statements in both incidents.

* * *

MR. SOUTHERLAND and his wife were accompanied to City Hall by W. M. Lawson, 8520 12th Avenue, North. The three talked with Commissioner Eugene (Bull) Connor, then went to the office of Asst Police Chief E. H. Brown, where they faced the officers during a hearing.

Results of the hearing were not announced. Mr. and Mrs. Johnson, along with their son, went before Police Chief Marcus Hancock with their complaint.

Both the youth and a witness, W. M. Dawson, of 812 Fourth Terrace, West, said the boy was kicked down by one officer, and then kicked as he lay on the concrete.

THE ARRESTING officers were listed as White and McSween. Chief Hancock said he was not sure about McSween's period of service, but that he is relatively new on the force.

Latest published police rosters did not list him, but show a W. H. White.

The two officers, who listed the youth's age as 17, charged him with being drunk and resisting arrest.

* * *

THE ARREST was made at a service station at Third Avenue and 13th Street, North. The boy said he had stopped there on his way to the fairgrounds, where he had a job helping put up equipment.

He said the officers recognized him from a previous arrest on a disorderly conduct charge, and demanded to know what he was doing at the station at that hour. It was shortly before midnight, he said.

The boy exhibited an abrasion on his stomach, reporting he was kicked there. The report coincided with Dawson's.

A part-time attendant at the service station, Mr. Dawson told reporters "the kick was the first blow I saw struck. I would have hated for it to have been me."

Mrs. Johnson told reporters she and her husband went to Chief Hancock upon the advice of an attorney. She said she intended "to see something done about it."

* * *

THE JOHNSON youth told reporters that earlier Saturday night he and three other youths had drunk one pint of wine, but he insisted that he was not drunk.

The youth said he was taken to the hospital after riding around in a patrol wagon until about 2 a.m. He said he was X-rayed at the hospital, at his own request.

Records show he was booked at the City Jail at 6:42 a.m. He said the jailer was "very nice" and allowed him to call his mother.

* * *

MRS. JOHNSON said she could not find the boy's birth certificate to prove his age but exhibited two insurance policies issued in October, 1945. They showed he would be 10 on his next birthday, Nov. 10.

The beating was the latest in a series reported since last week when Mrs. Cooper Green, wife of the mayor, reported she saw a man beaten by an officer in an automobile "run-around" in the basement of City Hall.

Officer E. M. Goodwin was exonerated by Chief Hancock in that case, following a hearing among police officers in his office.

About Charges Of Police Brutality

A policeman's job is difficult and sometimes dangerous. He is often exposed to hazards which the private citizen hardly ever has to face. Yet the policeman always remains just another human being like the rest of us. As such, he makes mistakes in judgment. As such, he may be goaded into action which society doesn't approve and which he may himself regret in retrospect.

To be a really good police officer a man needs to be quick in action and judgment as well as humane and patient in disposition. The nature of his duties brings him into contact at times with men at their worst. In preserving the peace, a policeman may find it necessary to quiet a rowdy prisoner. Sometimes the officer should take verbal abuse without paying back in kind. On occasion he may have to subdue an unruly prisoner, but he is never justified in using more than the minimum amount of force needed to accomplish the end.

If a police officer should exceed the rights which society grants him, then society has a right to be disturbed. If a policeman should beat an unoffending prisoner, he becomes subject to severe censure and punishment. That is a fact recognized by everyone, including the heads of the police department in Birmingham and in every other city.

* * *

Has any police officer in Birmingham recently beaten up a prisoner in brutal and unnecessary fashion? The question is pertinent because Chief of Police Marcus Hancock has conducted investigations to find out.

At least two cases have been—or are being—investigated. In only one has Chief Hancock made a report.

That case was brought to public attention when Mrs. Cooper Green, wife of the mayor, declared she saw a policeman beating a prisoner just outside the City Hall. Mrs. Green said the prisoner was not resisting and that the officer was striking him as he lay unprotected on the ground. She said at least three other officers stood about, watching the procedure without interfering.

Chief Hancock interviewed all the officers involved. Reporters were present throughout the interview. The officers said the prisoner had been unruly, that force was absolutely necessary to subdue him. They held that Mrs. Green was not in a position to see clearly—if at all—what was happening. The testimony of the different officers contained discrepancies, but Chief Hancock has refused to release to the press the stenographic account of the testimony. Mrs. Green, the chief complaining witness, was not present; she is out of the city. When that fact was called to Chief Hancock's attention, he replied that Mrs. Green had "had her say in the papers." The chief ended the investigation by completely exonerating the officers concerned. It seems to us this was premature pending further word from Mrs. Green. Yesterday Chief Hancock said he would welcome "any evidence from anyone who can throw light" on the cases. That included, of course, Mrs. Green.

* * *

Other men have since made charges that on other occasions they, too, have been unjustifiably beaten by police officers.

Not many weeks ago the National Association for the Advancement of Colored People asked the Department of Justice to look into police practices in Birmingham to determine whether there have been violations of civil rights under the federal law.

Whenever such charges are responsibly made, the people of Birmingham want them investigated to the fullest extent.

Report prepared—

FBI ends inquiry into fatal shooting of Negro by police

The Federal Bureau of Investigation has finished a probe into the fatal shooting of a Negro by a Birmingham policeman.

In response to a query from The Birmingham News, George D. King, agent in charge of the FBI here, said an investigation in the shooting of Thomas Patterson has been finished and a report sent to the Department of Justice in Washington.

Mr. King also said he has been furnished with facts in the reported beatings of two men by police and has submitted those facts to the Department of Justice.

He is awaiting instructions from Washington.

PATTERSON WAS shot to death on July4. Officer R. T. Watson said at the time that he shot Patterson when Patterson attacked him with a knife.

The beatings about which facts were sent to Washington were reported by Herbert L. Rainey, Jr., 26, of 813 Fulton Avenue, a teacher at Graysville School, and Luther M. Sutherland, 59, 8425 North 12th Avenue, a spastic.

In reference to the Patterson case, King said he had been given a specific request by the Department of Justice in Washington to investigate it.

Ford's Death 'Justifiable'

Coroner Absolves Police of Brutality

BIRMINGHAM, Ala. — The death of Earnest (Edward) Ford, 55, reported as 1951's third victim of police bullets within two months and 12 days, was declared by Coroner Joe Hilderbrand "justifiable homicide" last week.

Ford, accorling to an investigation reportedly made by Homicide Detectives W. J. Haley and R. A. MacMurdo, was fatally shot by Policeman H. T. Barron while allegedly trying to escape arrest March 26.

Police Report

The detectives' report said "Ford was surprised in burglarizing the Gable Square Service Station, 800 South Ninth Court. Officers H. T. Barron and A. B. Cox were attempting to search Ford and he shed his coat and fled.

"They gave chase and fired as Ford ran down an alley-way between 7th and 8th Sts. and Ninth Ave. and Ninth Court, South. One bullet took effect.

Coroner Joe Hilderbrand removed two live .38 calibre short cartridges from Ford's pocket at the time. The padlock from the front door and some fittings from the filling station were also found on Ford's body."

The report showed further that "Ford was dead at scene of the shooting and that the fatal bullet entered the rear of the victim's right shoulder and came out of the right side of his throat."

Negro prisoner killed by officers

A Negro prisoner was shot to death by a Birmingham police officer yesterday.

Vernon Kidd, 26, of Vincent, was shot to death by Officer Roy Massey in the back seat of a patrol car, police reported.

In an effort to escape, Kidd attacked Officers Massey and E. F. Mitchell, police said. Both officers were kicked, scratched and their clothes were torn, police said.

Kidd was arrested as a prowler on complaint of four residents of the 4300 block of 11th Avenue, North. They had identified him as the man prowling in their neighborhood.

He was placed in the police car and was being taken to meet the patrol wagon for transfer to City Jail.

The fight ensued in the neighborhood of 31st Street and Fifth Avenue, North, police reported. Kidd was dead on arrival at Hillman Hospital.

lice Claims f Defense In Killing Of Negro

BESSEMER, Ala.—Bessemer police said the fatal June 17- shooting of James E. Clay of 1416 Lomb Ave., Birmingham, was a case of "self-defense."

Clay, according to police, was fatally shot with a .38 calibre Ow Head type revolver, allegedly fired by James W. Monk, white, of 1685 Alabama Avenue, Birmingham, in front of the Pearl Harbor Cafe, located at 19th Street and 20th Avenue, North Bessemer.

Police identified Monk as Birmingham Post-Herald newspaper employee.

Local authorities said Clay was taken to Hillman Hospital by a Chambers ambulance around 6 a. m. was admitted and later died from the gunshot wounds around his head and face.

Negro woman dies from gun wounds

GADSDEN, Ala., April 30 (AP)—Willie Ruth Williams, 21-year-old Negro woman, died in a hospital here today of wounds suffered Saturday.

She was shot by Patrolman Floyd Vinyard, who reported she advanced on him with an ice pick when he sought to arrest her for disturbing the peace.

Vinyard said he ordered her to halt and then fired twice.

Leaders Voice Concern Over Alleged Police Slaying

Leaders of a number of organizations, among them the Birmingham Branch NAACP, voiced concern this week over the alleged police slaying of Vernon Kidd, 26-year-old Vincent Alabama citizen.

Kidd, said to have been in the city over last week-end trying to line up muscial talent for a program was reportedly shot to death Monday by Officer Roy Massey.

Investigating officers said that Kidd had been taken into custody as a prowler, seated in the back seat of a patrol car, where he tried to break away. Officer C. E. Mitchell was said to be driving the car with Policeman Massey riding on the back seat with the prisoner.

Apparently unarmed and unhandcuffed, Kidd reportedly made a break to seize Officer Mitchell's pistol, grappled with Officer Massey, who fired into the victim three times.

The shooting is said to have occurred near 31st Street and Fifth Avenue No.

Kidd is the sixth Negro to be killed by Alabama police during 1951. He is the fourth Negro to be killed this year by Birmingham police.

Mr. Kidd lived in Vincent, Ala. He is the father of two boys, ages 4 and 5 and his wife is an expectant mother. The slain man has been employed for nearly two years at the Coose River Newsprint Plant at Childersburg his brothers said.

His father, the Rev. P. E. Kidd, is a Baptist minister who pastors four churches. He has been in the ministry for about 40 years. The victim has five brothers and three sisters.

Mr. Kidd it was said was in the city to arrange for a singing group to make an appearance. He was unarmed while in the custody of the law it was said. His brothers, Sam Kidd of Vincent and Junior Kidd of Limesville said that Vernon Kidd did not smoke, drink or use profane language.

The Rev. Kidd is pastor of the Baker's Grove Baptist Church and Coosa Valley Baptist Church of Vincent, the Enon Baptist Church and the Tulsa Hatchett Baptist Church of Childersburg.

Kidd's two brothers said that the police victim came to Birmingham in an automobile. The slain man's automobile was reportedly towed in by the City Garage.

Two Alabama Negroes Are Slain By Police

BIRMINGHAM, Ala. — Two more Alabama Negroes have been shot to death by police, bringing the total number of Negro victims of police murder to a total of seven for the state since the beginning of the year. Four of the slain men have been killed by Birmingham police, who are headed by "Bull" Connor, one of the most notorious white-supremacist officials in the country, the Civil Rights Congress reports.

Vernon Kidd, 26, sonnof Rev. P. E. Kidd of Vincent, Ala., pastor of four Baptist churches and minister for over 40 years, was driving his automobile in Birmingham when he was stopped for "questioning" by Birmingham police officers.

Kidd, father of two young boys, was in Birmingham trying to arrange for a musical program and was making contacts with local singing groups. He was shot to death on May 28th.

The other police victim was Dan Goins, who was killed in Russelville, Ala., at 1:30 a.m. on May 28th.

All that Russelville police officers have said about the case is that "a police officer was hit by Goins who darted from a dark alley and that another police officer came to the rescue, shooting the fleeing Goins."

Observers fimiliar with these police-murder cases, both in the North and South, have charged that the Russelville police version is the "classic lie always presented to the public after a Negro has been murdered by a racist policeman."

William L. Patterson, CRC executive secretary, has declared that "the growing police ferror, and murder of Negro citizens throughout the country is being fostered and abetted by a bi-partisan federal government which refuses to lift a finger against it."

Capt. Walker reports:—

Negro is accidentally killed by policeman after knifing attack

A Negro man was killed early yesterday when a policeman struck him with his gun, which accidentally fired, Capt. B. F. Walker reported today.

Capt. Walker identified the dead man as Tom Patterson.

He said Patterson was killed about 2:35 a.m. yesterday by Officer R. F. Watson after the Negro had attacked him with a knife.

The captain's report, kept secret until today, said Watson and his wife and another couple were driving west on Eighth Avenue, North, early yesterday morning when they saw a Negro man and woman fighting at 24th Street.

* * *

OFFICER WATSON parked the car and told the Negro man, Patterson, to turn the woman loose and drop the knife he had in his hand. The report said that after Watson showed Patterson his badge and told him he was a policeman, Patterson cursed him, threatened to kill him and made a "swipe at the officer with the open knife."

The report continued that Patterson made another attempt to stab the officer and Watson struck the Negro on the side of the head with his revolver. The gun accidentally fired and Patterson was shot over the left eye.

Patterson was carried to Hillman Hospital and died at 8:57 a.m. yesterday.

* * *

MARIE PATTERSON, the dead Negro's wife and the person with whom he was said to have been fighting, also was carried to Hillman Hospital.

The report said she was treated for a badly bruised or broken jaw. There was swelling on the left side of her face and just below the left eye.

The report states that Marie Patterson and four other witnesses had given statements to police partially confirming Officer Watson's account of the affair.

Walker said police have a statement from the owner of a Negro club that the Pattersons had been drinking heavily and had had an argument shortly before Officer Watson encountered them.

Connor brands Negro's accusations as absurd

A charge by a Negro editor that Birmingham police had "shot a Negro after each liberal court decision affecting Negroes," was branded as "ridiculous and absurd" by Public Safety Commissioner Eugene (Bull) Connor today.

The charge against Birmingham police was made by Emory O. Jackson, secretary of the Birmingham branch of the National Association for the Advancement of Colored People, and editor of The Birmingham World, a weekly newspaper for Negroes.

Jackson made the charge in a verbal report to Walter White, executive secretary of the N. A. A. C. P. at a N. A. A. C. P. convention in Atlanta.

Police have killed four Negroes this year, Jackson is quoted in an Associated Press story as saying, each while "resisting arrest or trying to escape."

"It may be a coincidence," he said, "but each time there is a liberal court decision affecting us, someone is killed."

Jackson told White that since 1947 nine Negro homes had been bombed and that police had yet to make an arrest. Two of the homes, he added, had been burned.

He also complained that his local group had been unable to obtain action from the federal district attorney for civil rights violations in connection with the shootings.

White told Jackson he would seek to "have the whole Birmingham Police Department investigated," and that if district attorneys failed to act, he would seek their removal.

In answer, Commissioner Connor said:

"I am not going to dignify these ridiculous statements of Emory Jackson by any further statement. And if Walter White wants to investigate anything in Birmingham, I'd suggest he start with Emory Jackson."

Col. John D. Hill, federal district attorney for North Alabama, made no comment.

Police Brutality Stirs Government

BIRMINGHAM — The long-hoped for FBI probe into police brutality in Birmingham is under way.

At the insistence of the NAACP, the Justice department has ordered agents into this city to learn why police officers have slain 26 Negroes since 1948.

The most recent complaint came on July 16 when Clarence Mitchell, director of the Washington NAACP bureau, and Emory O. Jackson, Birmingham newspaper editor, presented a plea to Ass't. Atty. Gen. Peyton Ford that the Justice department move in to see that these killings are stopped.

Learning that the U. S. was planning the probe, Police Commissioner Eugene "Bull" Connor said, "I have no objection to anyone investigating the Birmingham police department, providing he has the authority to do so."

Police Chief Marcus Hancock echoed his boss, "We don't fear the results or any investigation."

Connor said he hoped Newspaperman Jackson would be called to testify during the probe "since he seems so interested in seeing an investigation made.

Jackson has said that following every liberal Federal court decision, Birmingham police have killed a Negro.

The NAACP's request for federal action included a statement that one Birmingham policeman, James Hale, has the "gruesome distinction of killing four persons" listed by the association as victims of police brutality.

A spokesman for the local NAACP branch predicted this probe "will produce some results if we can get enough testimony. We should be able to get some convictions the same as they've got in other cities."

Don't Ride Or Run In Birmingham If You Wish To Live

BIRMINGHAM—Don't be surprised if every Negro you see in Birmingham from now on is walking. They'll be afraid to ride or run.

C. L. Reeves, principal of Westfield high school, narrowly missed injury or death last week when Detective C. C. Ray fired three shots at Reeves' auto thinking it was "a lottery pickup car."

Two other policemen arrested Will Ervin, 59, "on a hunch" when they saw him running down the street.

Ervin explained why he was in such a hurry: "I'm scared of the law. You never know what they'll do."

Coach At Carver Draws $60 Fine.

George Freeman, Negro football coach at Carver High School here, was fined $60 for resisting arrest and disturbing the peace by a Circuit Court jury Wednesday.

Freeman had appealed the case from the City Court where he was sentenced to 60 days at hard labor in addition to a fine. No jail sentence was given by the jury Wednesday.

Defense Attorney John N. McGee contended that Freeman was hauled from his home by city police and severely beaten while handcuffed. McGee also contended that the police did not have a warrant and refused to tell Freeman the nature of the charges against him.

The city contended that Freeman had cursed a garbage inspector who had asked him about some refuse near the Freeman home.

McGee said the conviction might be appealed.

The FBI is reportedly investigating the alleged beating.

Fire Brutal Warden

Bloody Beating of 3 Prisoners Is Bared

MONTGOMERY, Ala. — Sam Key, for thirty years warden at Camp Scottsboro in North Alabama, has been fired for beating three Negro prisoners with a wooden stick, it was disclosed Aug. 9.

State Highway Director Guerry Pruett whose department supervises the road camps, announced the dismissal. The dismissal action followed an investigation requested by Prison Director J. M. McCollough. Basis of the firing was the anti-lash directive issued several months back by Governor Gordon Persons.

HIT THREE PRISONERS

A written report by State Investigator R. A. Troupe charged that Key beat convicts Ernest Taylor and Ezzie Lawson with a three-foot hickory stick which measured 1⅛ inches in diameter at the small end. His report added that the camp warden also hit another prisoner, O. C. Alle with a walking stick.

The camp warden, the report said, could not remember how many times he hit Taylor but suggested that it was enough to stop him.

Taylor was quoted in the report as saying that he protested that he was unable to work and that the superintendent shouted at him, "You are going to work. You are going to work . . . I ough to kill you."

White Man Fined; Prison Beating

A 32-year-old white East Lake grocer, Joseph R. Hall, of 125 73rd St., was fined $100 and given a 180-day supsended jail sentence in City Court last Tuesday night for beating a handcuffed Negro prisoner in the custody of city policemen, testimony disclosed.

Oscar Smith was the alleged victim. Testimony revealed that Smith and his girl friend had words. The police were called. Hall is said to have tried to hold Smith for police but the latter is said to have torn loose, cursing.

Smith was fined $50 on charges of threatening the woman friend with a butcher knife.

REGISTER TO VOTE!

Victim Brutally Beaten

MOBILE, Ala.—A suit filed by a prominent Mobilian seeking $25,000 damages in a police brutality case was dismissed in Mobile County Circuit Court last week.

The action was filed by Napoleon Rivers, 76, a retired hauling contractor, against Edward L. Bartlett, white Mobile policeman. Bartlett assaulted Mr. Rivers at the registrar's office several years ago while others were standing in long lines to register at the time.

Rivers, who was serving as a voucher for would-be-voters, was beaten down to the floor by Bartlett. The police officer was said by witnesses to have also struck the aged man with a blackjack.

The assault followed a controversy between the aged man and the white policeman.

Rivers suffered a fractured jaw bone and other serious injuries as a result of the officer's attack. He remained in a critical condition at a local hospital for about a week.

In a subtle technique used by the police department here, Rivers was arrested and fined a total of $150 in Recorder's Court on charges of disorderly conduct and resisting arrest.

An appeal was taken and the charges nolle prossed and dismissed in the Circuit Court.

Indignant citizens led by the Mobile Interdenominational Ministerial Alliance and the NAACP raised a legal fund to defend Rivers in the courts.

He is the father of Napoleon Rivers Jr., instructor in languages at Miner Teachers College, Washington.

Policeman's Bullet Fatal To Negro

Coroner Rules 'Justifiable Homicide'

A Birmingham Negro died yesterday of a bullet wound inflicted by a city policeman.

Alfred Carter, 37, of 402 Sixth-alley, n, was shot by Officer Q. R. Trott, the police department said, when Carter attacked him with a bottle, striking him on the head.

Coroner Joe Hilderbrand returned a finding of 'justifiable homicide."

Officer J. C. Walters was with Trott at the time of the shooting.

They spotted the Negro speeding, and chased him, the officers said. Carter jumped from the car and fled into some woods, chased by Trott.

Trott sadi the scuffle occurred when the fleeing man was blocked by a deep ditch.

The shooting occurred near the City Jail in a wooded section of Titusville. The chase started at Goldwire-st and Sixth-av, s.

Man shot to death in attempted arrest

A Birmingham Negro died early today of a bullet wound inflicted by a city policeman.

Alfred Carter, 37, of 402 Sixth Alley, North, was the dead man.

He was shot by Officer Q. R. Trott.

The officer said he fired when Carter attacked him with a bottle, striking him on the head and was about to hit him again.

Coroner Joe Hilderbrand today returned a finding of "justifiable homicide."

Officer J. C. Walters was with Trott at the time of the shooting.

They spotted the Negro speeding and chased him two blocks. Carter jumped from the car and fled into some woods, chased by Trott.

Trott said the scuffle followed when he caught the fleeing man.

The shooting occurred near the City Jail, in a wooded section of Titusville. The chase started at Goldwire Street and Sixth Avenue, South.

Police Battle Fatal To Birmingham Negro

BIRMINGHAM, ALA., Feb. 12 —(AP)— Alfred Carter, 37, Negro, died Monday of a bullet wound from a police officer's gun.

Patrolman Q. R. Trott said he fired at Carter after the Negro struck him with a bottle. The officer said he attempted to arrest Carter for speeding but the latter jumped from the car and ran into some woods.

Trott said he followed and Carter attacked him. Coroner Joe Hilderbrand returned a verdict of justifiable homicide.

Negro whom police killed is identified as escaped convict

A Negro shot to death by a policeman early yesterday was identified today as Ernest Ford, 48, an escaped convict.

Officers H. T. Barron and A. B. Cox surprised Ford at a Southside service station, where he had opened a safe. When he attempted to flee he was shot after a short chase and died a few minutes later.

* * *

POLICE SAID Ford's record dated to 1924, when he was sentenced to prison from Mobile County for burglary and grand larceny. He has since drawn four similar sentences, and escaped at least seven times.

He was last convicted in 1949, when he was given six years for the attempted burglary of a Bush Hills residence. He was also shot by city detectives, but not seriously wounded, at that time.

Negro Shot In Fleeing From Louisiana Police

NEW ORLEANS, March 31—(U.P.)—Police shot Willie Turner, 22, a Negro, early Saturday, when he refused to halt after a woman surprised him in her home.

Mrs. Charlotte Furui, 44, told police she caught Turner in her home, that he "had me by the throat," but let her go and ran when police arrived. A neighbor had called police when he saw Turner prowling behind Mrs. Furui's home.

Turner was taken to Charity Hospital, where doctors said his wounds were not serious.

Indict Police Chief For Killing Negro

JASPER, Ala. — Police Chief G. A. Warren of Oakman, Ala., was indicted here last week by an all-white grand jury in connection with the murder of Jesse Hood, a Negro, last Jan. 10. He was released on $2,500 bond. It was the first such indictment of a white police officer here in many years. Hood was reportedly shot after being pulled from an auto by Warren.

Man's Death Said To Be Justifiable

RUSSELLVILLE, Ala. -(SNS)- Dan Goins, 48, was allegedly killed by Police Officer Floyd Smith about 1:30 A. M., May 3, authorities said.

This became the second Negro in Alabama to be killed this week and the seventh for 1951.

Investigating officers said that Officer C. G. Ayers, patroling the downtown section, was already hit by a figure that darted from the darken alley. Officer Smith, on another side of the street, came to the rescue.

Goins, fleeing, was shot dying a few minutes later at a hospital.

Coroner Penny Summers returned a finding of justifiable homicide.

Capt. Walker reports:—

Negro is accidentally killed by policeman after knifing attack

A Negro man was killed early yesterday when a policeman struck him with his gun, which accidentally fired, Capt. B. F. Walker reported today.

Capt. Walker identified the dead man as Tom Patterson.

He said Patterson was killed about 2:35 a.m. yesterday by Officer R. F. Watson after the Negro had attacked him with a knife.

The captain's report, kept secret until today, said Watson and his wife and another couple were driving west on Eighth Avenue, North, early yesterday morning when they saw a Negro man and woman fighting at 24th Street.

OFFICER WATSON parked the car and told the Negro man, Patterson, to turn the woman loose and drop the knife he had in his hand. The report said that after Watson showed Patterson his badge and told him he was a policeman, Patterson cursed him, threatened to kill him and made a "swipe at the officer with the open knife."

The report continued that Patterson made another attempt to stab the officer and Watson struck the Negro on the side of his head with his revolver. The gun accidentally fired and Patterson was shot over the left eye.

Patterson was carried to Hillman Hospital and died at 8:57 a.m. yesterday.

* * *

MARIE PATTERSON, the dead Negro's wife and the person with whom he was said to have been fighting, also was carried to Hillman Hospital.

The report said she was treated for a badly bruised or broken jaw. There was swelling on the left side of her face and just below the left eye.

The report states that Marie Patterson and four other witnesses had given statements to police partially confirming Officer Watson's account of the affair.

Walker said police have a statement from the owner of a Negro club that the Pattersons had been drinking heavily and had had an argument shortly before Officer Watson encountered them.

Off-Duty Policeman Accidentally Slays Negro In Birmingham

BIRMINGHAM, July 5—(AP)— Police officials disclosed Thursday the accidential slaying of a Negro by an off-duty patrolman.

Police Capt. B. F. Walker said Tom Patterson, Negro, was killed early yesterday when Patrolman R. F. Watson struck him with a pistol. The gun discharged accidentally, Walker said.

Watson said the Negro attacked him with a knife about 2:35 a.m., Wednesday. The report had been withheld until Thursday.

Walker said Watson and his wife and another couple were driving on a Northside street when they noticed a Negro man and woman fighting.

Watson stopped the car and ordered the Negro to release the woman and drop a knife he had in his hand. The report said Watson showed Patterson his badge and told him he was an officer but the Negro cursed him and made "a swipe at the officer with the open knife."

Walker said Watson struck the Negro on the side of his head with a revolver as Patterson made another attempt to stab the officer. The gun discharged accidentally, the report said, and Patterson was shot over the left eye.

Leaders Concern Mounting

'Bama Police Guns Claim 2 More Negro Casualties

BIRMINGHAM—Two Alabama Negroes were shot to death—one at Birmingham and the other at Russellville—within forty-eight hours after the U. S. Supreme Court refused to disturb a district and and appellant court ruling which erased the racial zoning laws of Birmingham.

Vernon Kidd, 26-year-old Vincent resident, was shot to death at 12:30 A. M., May 28, by Police Officer Roy Massey at Fifth Avenue and Thirty-first Street, North.

Dan Goins, 48, was slain at 1:30 A. M., Wednesday morning, May 30, by Police Officer Floyd Smith in Russellville. In Birmingham, investigating officers gave this as their version:

POLICE VERSION

On telephone complaint of "Mary Byler, Mary Law, Grace Box and Charlie Jones, 4332 Eleventh Avenue, North, to headquarters about a prowler and "Peeping Tom," that officers were sent to this address, "but could not find him at that time."

"This man (Vernon Kidd) was seen in the neighborhood several times over a period of some hours. He was picked up later at night by Car No. 45. The officers turned him over to Car No. 5 manned by C. H. Rushing, E. F. Mitchell and Roy Massey. They carried the victim (Kidd) back to 4332 Eleventh Avenue, North, and the occupants (of the house) identified him (Kidd) as the man who was prowling in the vicinity and around their residence. They (the officers) left there with him in the police car.

"He (Kidd) attacked Officers Roy Massey and E. F. Mitchell, a fight ensued. Both officers were kicked and scratched and their clothes were torn. Officer Massey fired several shots and two of them took effect in the victim's head.

DEAD ON ARRIVAL

"Lumzy (Funeral Home) carried him to the Hillman Hospital. He (Kidd) was pronounced dead on arrival."

Detectives R. A. MacMurdo and M. H. House conducted the investigation.

Relatives of the slain man said that Vernon Kidd worked as a laborer at the Coosa River Newsprint Plant in Childersburg Ala., where he had been employed for about a year and a half. He is the father of two boys, ages 3 and 4, and his wife is an expectant mother.

He was said to be in Birmingham trying to arrange for a musical program in which he was making contacts with local singing groups. He was said to have driven his automobile to Birmingham, and was believed to have been riding in it during the time he was questioned by police officers.

THE LATE VERNON KIDD, 26
... slain on May 26 by a Birmingham policeman

PASTOR'S SON

The slain Mr. Kidd is the son of the Rev. P. E. Kidd of Vincent, Ala., pastor of four Baptist churches and a minister for over forty years. He has five brothers and three sisters.

Sam Kidd of Vincent and Junior Kidd of Linesville, brothers of the slain man, said that the police-killed brother did not smoke, drink, curse or abuse people. They came to the city Wednesday, May 30, to check on his death and to make funeral arrangements.

Authorities in Russellville said that Police Officer C. G. Ayers, patroling the downtown area, was hit by Goins who darted from a dark alley. Officer Smith came to the rescue, shooting the fleeing Goins. Both officers were said to have been injured.

This brought the total to seven for Alabama and four for Birmingham of the number of Negro citizens killed in this state by police during 1951.

Both the Birmingham Branch NAACP, headed by the Rev. R. L. Alford, and the Baptist Ministers Conference, led by the Rev. J. L. Ware, voted to conduct investigations of the Kidd police slaying. Plans anticipated beyond an investigation were not announced.

Man shot in mouth by chief of police after resistance

CEDAR BLUFF, Ala., July 18—Tom Moten, about 65, a Cedar Bluff Negro, was in fair condition at Floyd County Hospital in Rome, Ga., today after being shot by Cedar Bluff Police Chief Alf Jones.

An attendant at the hospital reported Moten's condition to The News by telephone and said he was shot in the mouth.

Chief Jones gave this account of the shooting, which took place Monday night:

The police went to the Negro section searching for Otis Moten, 26, Tom Moten's son. He intended to arrest Otis on a disorderly conduct charge. But he did not see Otis Moten.

Tom Moten, according to Chief Jones, appeared and cursed him and struck him in the mouth with a fruit jar.

A scuffle ensued in which Moten grabbed Jones around the neck with one arm and began beating him in the face with the other.

Jones said he shot Moten when he thought Moten intended to use a knife on him.

After shootting Moten, Jones put the victim in his own car and took him to the hospital in Rome.

Negro complaint may start FBI city police probe

The Civil Rights Division of the U. S. Department of Justice revealed today that it has "under active consideration, several complaints of brutality and killing," filed by Negroes against the Birmingham Police Department.

If preliminary investigations now under way in Washington warrant action, a department spokesman added, a local investigation of the police department will be ordered.

Although the Justice Department withheld names of complainants in keeping with a department policy, one apparently was filed by a Birmingham Negro.

The other apparently was filed by Walter White, a leader of the National Association for the Advancement of Colored People. White already had announced his intention of seeking such an investigation, during an N. A. A. C. P. convention in Atlanta.

THE DEPARTMENT said only that it had one complaint from a Washington representative of the organization, and another from a Birmingham representative of the same group. Although the term "several" was used, where others originated was not specified.

Police Commissioner Eugene (Bull) Connor said "I have no objection to anyone investigating the Birmingham Police Department, providing they have the authority to do so.

"I hope that if there is an investigation, they will subpoena Emory O. Jackson because of some questions we'd like to ask him under oath, since he seems to be so interested in seeing an investigation made."

Commissioner Connor declined to comment further relative to what questions Jackson might be asked.

POLICE CHIEF Marcus Hancock said, "We have no fear of the results of any investigation."

The chief declared that "What we do is open and above board, and we want the public always to know the full facts. We are constantly telling the people everything that goes on, through the medium of the daily newspapers.

"We will be glad to have any specific incident fully investigated."

* * *

A JUSTICE Department spokesman explained that if the complaints appear to justify a local investigation, orders for such action would be channelled down through Dist. Atty. John Hill, of the Northern District of Alabama.

Such an investigation, he added, would be conducted by the Federal Bureau of Investigation.

Disclosure of the complaints in Washington, and circulation of rumors in City Hall, were timed with publication of an editorial in The Birmingham World, Negro newspaper, saying 10 Negroes have been killed by police here during the past year and a half.

* * *

EMORY O. JACKSON, editor of the paper, is secretary of the Birmingham chapter, N. A. A. C. P. Jackson said he did not file the complaint from Birmingham, and did not know who did. He said the chapter's legal redress committee had been studying the problem.

Jackson's editorial named the 10 victims, and added: "One may check the dates of these alleged killings against the dates of events as reported in the daily or weekly press, to determine how closely they follow either happenings favorable to the Negro group or unfortunately intemperate and hostile utterances made by responsible public officials in high places."

California

Mistreated Negroes

Sheriff Fires 5 Deputies

LOS ANGELES — In what is considered the most drastic action taken here by a top-flight law official against the abuse of prisoners, Sheriff Eugene W. Biscailuz, last week-end discharged five deputies from the department following an investigation of inhuman treatment of two Negroes.

Feeling the brunt of the sheriff's indignation for spraying Reuben Smith and Henry Scott with a fire extinguisher, were Sgt. Fred L. Staebler, and Deputies Walter Foster, Robert Harper, Bill Meenk and Edward Houtz, who actually used the hose.

REFUSED AID

Sgt. Charles Irvin, in charge of the hold-tank, drew a fifteen-day suspension without pay because he failed to heed the prisoners' request for medical aid, and failed to report their injuries.

In announcing this severe action the fair-minded sheriff said, "I always support my officers in the use of that force necessary to overcome resistance to arrest or to restrain belligerent prisoners in any lawful manner. However, I will never condone or tolerate the use of excessive or undue force, nor will I stand for any mistreatment whatever of prisoners in the lawful custody of this department."

ex-policeman Lloyd E. Hunt was sentenced to seven months in jail and placed on four years probation by Superior Court Judge Wade Snook.

In addition, Judge Snook ordered Hunt to pay $400 to young Henderson's parents to reimburse them for medical expenses incurred in treating the boy in a local hospital.

Hunt took young Henderson into custody last June 14 near a schoolyard where the officer was investigating a fight. Testimony at the trial disclosed that the policeman broke the boy's jaw while hustling him into a patrol car. The policeman was fired after the parents complained. Hunt gained notoriety four years ago when a Negro woman accused him of maltreatment.

Gets 7 Months

Breaking Boy's Jaw Jails Cop

OAKLAND, Calif. — An Oakland police officer who slugged a 17-year-old boy has been fired from the local police force and convicted of the offense in Superior Court. For breaking the jaw of young Richard Henderson,

White Cop Freed Of Murder Charge; Killed Negro Youth

(By George Brown)

DENVER, Colo. — (ANP) — A coroner's jury here last week ruled the killing of a 15-year-old Negro youth by a white policeman "accidental." The youth died as a result of a bullet wound in the head inflicted by a policeman in chase. The verdict was labeled an obvious whitewash by the NAACP.

The victim was Charles H. Wilson III. He met his death on the night of Dec. 20 at the hands of Patrolman Delmar D. Reed, 31, white.

According to the testimony before the coroner's jury, the youth and his uncle, Gerald Thompson, 18, were arrested on a charge of drunkeness and causing a disturbance at Buster's Barbeque stand. Thompson was sent to the city jail.

Reed and fellow officer Myron Drake took Charles in their car to juvenile hall. As they got out of the car in front of the detention home, the youth suddenly ran. Reed shouted to the boy to stop asd gave chase. He pulled his gun and fired one shot into the air in an attempt to frighten the runaway lad into stopping.

As he rounded a corner of the building, Reed said he slipped and fell, causing his gun to dischorge accidentally. Drake, following behind the two, rounded the corner and discovered the youth lying on the gravel driveway about three feet from the alley running alongside the detention home. A police ambulance was rushed to the scene, but the youth was dead when it arrived.

The coroner's jury, after hearing the testimony of the two officers, the medical examiner and the police detective assigned to investigate the case, ruled the boy died of gunshot wounds inflicted when the revolver accidentally discharged. In addition, it said that "accidental shooting resulted while the police officer was in pursuit of his duty in attempting to recapture the fleeing boy."

However, Atty. Samuel N. Menin, NAACP legal representative, protested the verdict. He said:

"This is obviously a whitewash. This matter will not end here. An officer pulling a gun on a youngster of that age is reprehensible. It is gross negligence on the part of the officer. A trigger-happy policeman has no right to be on the force."

The youth's father, Charles H. Wilson II of Rock Springs, Wyo., said, "That was no accident. That was negligence. The kid was no criminal. How would he feel if I did his kid that way?"

District Atty. Bort M. Keating announced that a murder charge would be filed against the officer, but only as formality to protect the officer from possible civil suit. Menin did not elaborate on what steps he intends to take in pressing charges against Reed.

Policemen can't beat suspects—

U. S. Supreme Court bans all third degree methods

WASHINGTON, April 24—(AP)—Any policeman who uses third-degree methods on a suspect may be imprisoned and fined under the federal civil rights act, the Supreme Court has decreed.

The tribunal, in a 5-4 decision yesterday, cleared the way for federal prosecution of federal, state or municipal police who try to get confessions by brutal methods.

In earlier years, the court has thrown out convictions based on confessions asserted to have been obtained by third-degree methods.

But government attorneys said yesterday's decision in a complex Florida case was the first time they have obtained a clear ruling on their right to move against police themselves.

THE DECISION, written by Justice Douglas, said police could be punished under a section of the civil rights act which provides a fine of $1,000 and one year in prison. Justices Black, Frankfurter, Jackson and Minton dissented.

The decision upheld conviction of Jay G. Williams, a Miami private detective who also was a special police officer of Miami. He was accused of violating the civil rights of four lumber yard employes by using brutal methods in an effort to get them to confess to lumber thefts.

Another decision in the same case upset conviction of Williams and three other Miami officers under a section of the civil rights law which provides for heavier penalties.

* * *

IN A THIRD opinion in the same case, the Supreme Court said the federal government may press perjury charges against Williams; Charles R. Ford and John S. Bombaci, two of the Miami officers; and Andrew J. Yuhas, the latter comptroller for the lumber company. Justice Reed wrote this opinion, with Justices Black and Frankfurter dissenting.

Philip Elman, Justice Department attorney who argued the cases before the Supreme Court, told a reporter the Douglas opinion applied only to action by public officers and not to any action by individuals. It would not apply, he said, to individuals who took part in a lynching.

* * *

IN OTHER actions yesterday the Supreme Court:

1. Refused a hearing to seven top Nazis who have been sentenced to hang for World War II atrocities on concentration camp inmates. The seven are at the U. S. prison at Landsberg, Germany. They are the last Nazis under death sentence.

2. Decided 8-1 that states may compel automobile insurance companies to issue insurance to persons considered bad risks, under state "assigned risk laws." The decision applied specifically to a California law which calls for apportionment among insurers of applications for automobile insurance made by drivers who are not good risks.

3. Ruled unanimously that national service life insurance payments may be made to adopted brothers of GI policy holders.

F B I Probes Police Beating Of D. C. Men

Washington — Sept. 3 — The Federal Bureau of Investigation is now looking into the brutal beating of a blind man and his partially blind companion by Metropolitan police, it was announced last week by the Justice Department.

The savage beating of Joseph A. Taylor and a companion, James Eaton by ninth precinct police May 18, was brought to public attention last June through the Kingman Park Civic Association News by Oliver W. Holmes.

In a formal complaint to Police Superintendent Robert J. Barrett, July 30, Taylor stated that he had spent much time in Freedmen's hospital where he was treated for a broken jaw.

The men were arrested on charges of being drunk and disorderly. A police investigation has been made of the case by Inspector Archie Winfree upon the request of Supt. Barrett, but details are being withheld, they claim to prevent interference with the FBI action.

In a statement made public, Tuesday, Holmes charged the police department with deliberately suppressing the case.

The police department claimed, however, that the case will be disposed of as soon as the FBI completes its probe. The Justice Department would make no statement on how well the investigation is progressing.

Witness Says Cops Beat Him

Went to Station With Complaining Sailors

WASHINGTON

Another incident in the ever-mounting total of brutality charged to members of the Metropolitan Police Department was reported to the AFRO, Tuesday, by an employee of the State Department.

The latest police assault on a citizen was reported by Bernard Henry Duffin, of 1222 18th St., N.E., a clerk in the State Department.

Accompanied Complainants

According to Mr. Duffin on Monday evening he accompanied two sailors and an Army sergeant to the No. 2 precinct station house, New York Ave. and 6th St., N.W., to complain about an off-duty white policeman brandishing a pistol in the area of Seventh and O Sts., N.W.

As soon as he entered the station house, he stated, the desk clerk and two other white officers began beating him up and booked him on a disorderly conduct charge.

Released Under $15 Collateral

A check by AFRO reporters at the precinct station disclosed that Mr. Ruffin had been held and released under $15 collateral, which, the book stated, he chose to forfeit.

The events leading up to the assault were told the AFRO by Sgt. David T. Buford who had returned from Korean duty two months ago and is now stationed at Camp Stewart, Ga.

Sergeant Buford told the AFRO that he and two sailors, Elisha W. Turner and William Francis Murphy, both stationed at Indian Head, Md., were in a Chinese Restaurant at Seventh and O Sts., N.W.

One of the sailors, Turner, left the party to accompany a girl to a beer parlor. About a half hour later, he charged, the sailor returned in a cab.

As the girl got out of the cab, he said, the white officer came up to her and asked "What the hell are you doing in the cab?"

Sailor Speaks

The sailor, surprised at the officer's brashness, retorted before she could answer: "What is it to you?"

The officer, whose name later was given as Murray then whipped out his gun and informed them he was a policeman Sgt. Buford continued.

A scene ensued and finally several policemen in uniform arrived to find out the trouble.

Make Complaint

It was suggested that the two sailors and the soldier file a complaint at the precinct station about the gun incident.

The only civilian among the more than 100 witnessing the incident who would accompany them to the station, Sgt. Buford said, was Mr. Duffin.

Sergeant Reveals

He corroborated Mr. Duffin's statement that upon arrival at the precinct, three officers whipped him. According to the sergeant, an officer in the station with badge No. 1097 first attacked the civilian, and was joined later by officers with badges No. 1744 and 1383.

Captain John Winter head of No. 2 precinct told AFRO reporters that he was investigating the report that the white officer was brandishing a pistol in the neighborhood of Seventh and O Sts., N.W.

However, he disclaimed any knowledge of the assault on Mr. Duffin. Captain Winter said that he could not understand, why Mr. Duffin had not reported the alleged assault to him.

Seek FBI Probe of Police Brutality in D.C.

Yeoman 3/c James A. Whitehead, 21, with his mother, Mrs. Mary Whitehead, and his brother, John, 8, of 6139 Banks Pl., N.E., in D. C. They were with the young sailor when Pvt. Claude B. Siler ordered him into a scout car for carrying a pistol. Later in the car, Private Siler beat Yeoman Whitehead so badly that he had to spend 10 days in Bethesda Hospital. A police trial board in D. C. dismissed charges against Private Siler, but Yeoman Whitehead, who was cleared by Naval authorities, has asked for an FBI probe of the case.

Umatilla

Evidence Freeing Shooting Sheriff Could Be Planted

Afro-American Sat. 12-1-51 P. 21

By STETSON KENNEDY

EUSTIS, Fla. — Not a single shred of the mountain of evidence piled up a coroner's inquest here in seeming vindication of Sheriff Willis V. McCall for the fatal shooting of Samuel Shepherd and wounding of Walter Lee Irvin was not subject to being manufactured, I have concluded after careful evaluation. Baltimore

Not one bit of the "evidence" in McCall's behalf is incontrovertible —the whole thing could have been planned in advance, and the "evidence" prepared before and after the event.

Neither the AFRO nor I can say at this point that it DID happen this way; but, just as the coroner and his lily-white jury exercised their "right" to accept the word of McCall and the parade of white witnesses in his behalf, while utterly rejecting the charges made by Irvin, we can assert our right to speculate that the sheriff and his deputy are guilty as charged.

Inquest Patently Unfair

Perhaps if there had been an unbiased inquest—an inquest conducted by officers and jurors not so 100 per cent white in their completion and thinking, and the word of the colored prisoner, Irvin, given equal weight with that of the white sheriff—perhaps then evidence of an altogether different sort would have been adduced.

But the jury accepted with indecent haste McCall's story that he had been attacked with a flashlight in an escape attempt; while Irvin's charge that the sheriff emptied his gun on his manacled charges was utterly ignored.

And so let us reconstruct the crime (the world will never be convinced of the necessity in any case of firing three shots each into handcuffed prisoners) as it could have happened.

Taste of Blood Tangy

To begin with, Sheriff McCall comes up for re-election soon. His constitutents were not satisfied with parading in Klan robes, burning the colored section of Groveland and driving the residents from their homes, nor with being deputized so they could hunt down and fire 30 shots into one of the suspects, Ernest Thomas.

The taste of blood only made them demand more. It was only by sort of promising them a legal-like lynching, complete with trial, that McCall was able to dissuade them from stringing up the other suspects, known as the Groveland Three, back in 1949 when a white woman first yelled "kidnap" and then "rape."

Sure enough, Irvin and Shepherd were sentenced to die, and Charles Greenlee, 15, was given life.

The good ole Florida Supreme Court said "Amen" to these sentences; but, after two years, that nasty ole U.S. Supreme Court ruled that Shepherd and Irvin were entitled to a new, fair trial, by a jury from which colored Floridians had not been barred.

Kill or Be Killed

This turn of events put Sheriff McCall on a very hot spot. Maybe he decided it was a case of kill or be killed—literally for the prisoners or politically for him.

So just maybe he picked the clay backroad route instead of the traveled highway to transport his two prisoners.

Maybe Deputy Sheriff James L. Yates didn't want any part of it and insisted on driving ahead in his own car; or maybe he was in on it and was sent ahead to see that the road was clear of witnesses (instead of lynch mobs, as he asserted). 3 3

Anyway, Irvin testified that the sheriff radioed his deputy to "go ahead and check," and the deputy led them off into a by-road and radioed back, "OK."

Could Have "Fixed" Tire

Then, Irvin says, the sheriff "shimmied his wheels" (he didn't say the wheels shimmied). Then the sheriff got out and went through the motions of looking at his tires. He could have bent over and put a nail under one so it would puncture as he drove off.

After driving about two miles farther, the tire went flat, and the sheriff ordered his prisoners to get out.

Irvin says the sheriff shot Shepherd three times as Shepherd was emerging from the car, and then hit Irvin with two bullets. Five or ten minutes later, Irvin says, the deputy arrived, threw a light in his face and said "This so.o.b. ain't dead; let's kill him!"

The deputy pointed a gun and pulled the trigger twice, but it failed to go off, Irvin says. The sheriff and deputy examined the gun under the headlights, and someone said, "Leave it cocked," Irvin testified.

Shot Lying Wounded

Then, he continued, the deputy pulled the trigger again, shooting him through the neck.

God knows what time the shooting took place. The radio log kept by a deputy's wife at the sheriff's office has an entry indicating that the sheriff first radioed his deputy at 9:40 p.m., "having tire trouble, turn back."

Strangely enough, at the inquest, the deputy insisted that the sheriff's message had been to go get a service station man to change the tire.

Yates interrupted a meeting of the Umatilla City Council to ask about a service station, and the Councilmen all swore that while Yates was there McCall radioed that he was "having trouble with the prisoners."

Someone Told a Lie

The funny thing is that McCall and Irvin agree that there was no preliminary argument—so why would the sheriff merely say he was having "trouble" after he had shot down both men?

The councilmen also swore they went with the deputy to the scene, and it was "obvious" that he had not already been there.

They found McCall's face scratched, glasses broken, shirt torn, and —lo and behold—nine witnesses happened to notice strands of McCall's hair in Shepherd's hand and on his shirt. Right now, God and Irvin and McCall at least know whodunit.

Irvin bled profusely from his three wounds, particularly the one through his neck, so maybe the two officers were convinced that both prisoners were dead men who could tell no tales.

Saved Life Playing Possum

"I knew I wasn't dead," Irvin testified; but he played dead until spectators arrived, making further shooting taboo.

According to the Orlando Sentinel the morning after the shooting, Prosecutor J. W. Hunter said he "reached the scene about 10 p.m., about 45 minutes after I was notified." (This contradicts all other witnesses as to the time, but Hunter was not asked about it by the coroner.)

Hunter was further quoted as saying, "Evidently Willis believed they both were dead, but I discovered Irvin was alive and sent for an ambulance."

The next edition of the paper changed this quote from "Willis believed" to "it was believed."

Death Thought Certain

At the hearings, McCall testified, "it was obvious that Irvin was alive," and that he knew it all along. A string of witnesses backed him up on this.

I think I am the only one who has chedked the records of Waterman Memorial Hospital in Eustis to see what time Irvin was brought in.

It was not until 11:15 p.m. The shooting took place only six miles away, but a jim-crow ambulance was sent for in Leesburg, more than 20 miles distant. Upon arrival, Irvin's pulse was reported as "imperceptible."

He would never have lived to tell his story if a specialist from Orlando had not operated upon him the next day to remove the blood from his lungs.

Before the hearings came off, I was reliably informed that the FBI had combed the area without finding anyone who had heard the shots.

Staging Discrepancies

But at the inquest a 15-year-old boy was brought in (not by the the FBI) to say that he heard "five or six" shots all at once, but did not hear another shot later, as Irvin testified was the case.

Finally, as if to cinch the case, McCall himself dramatically produced his coat and pointed to powder burns inside the left sleeve—burns which Jefferson J. Elliott, the Governor's special investigator, hastened to proclaim were conclusive proof that a struggle had taken place.

Maybe so, but it is interesting to note that the burns turned up so late, and at the only explainable spot on the coat where they would not appear in the photos taken on McCall at the scene.

Sins of Omission

So much for the case for McCall and the very real possibility that it could be a fabricated tissue. The AFRO has already pointed out in previous issues some of the sins of omission committed by the coroner's inquest:

Flashlight not examined for fingerprints, physician not questioned on significance of position of wounds, radio station operator on duty at time of shooting not produced, live cartridges not examined for marks of defective firing pin, hosts of all-important questions not asked.

On the face of things, it is inconceivable that Gov. Fuller Warren will not order a county grand jury to conduct a thorough investigation to establish whether the sheriff and his deputy did their duty or should be indicted on charges of murder and attempted murder.

And it is all the more inconceivable that the U.S. Department of Justice will fail to order the district attorney to convene a Federal grand jury to determine whether the handcuffed prisoners had their Constitutional civil rights violated when six bullets were pumped into them.

The maximum penalty for this would be a year's imprisonment and/or a $1,000 fine—a small measure of justice to exact under the circumstances.

Killing Called Contempt of U. S. Supreme Court

NEW YORK—The United States Supreme Court may be asked to review the slaying of Samuel Shepherd in Florida as a basis of determining whether the slayer, Sheriff Willis McCall of Lake County, acted in contempt of the high court.

Thurgood Marshall, special counsel of the National Association for the Advancement of Colored People, today urged Attorney-General J. Howard McGrath to "consider the presentation of this case to the Supreme Court for its determination as to whether Sheriff McCall is in contempt of that court."

Mr. Marshall cited the case of U.S. v. Shipp. "In that case," he pointed out, "the action was brought by the Attorney General of the United States and we believe this precedent authorizes you as Attorney General to take similar action in this case."

Says Principle the Same

Noting that there are some differences between the two cases, Mr. Marshall asserted that "the general principle upon which the Shipp case was decided does apply to this case.

"In the Shipp case, the act was not only against the sheriff, who violated a specific order to him concerning the prisoner, but also applied to the members of a mob which lynched the prisoner."

Charges Florida "Whitewash"

In his letter to Mr. McGrath, the NAACP attorney asserted that the State of Florida "has demonstrated a determination to whitewash the whole affair." McCall, he pointed out, "not only remained in office during all of the investigation by the State, but apparently had control of the State's investigation of his conduct."

McCall's comment upon learning of the Supreme Court's reversal of the first trial of Shepherd and Irvin in 1949 is cited as an indication of his attitude toward the court. He said:

"The fact is that our U.S. Supreme Court let a few minority groups such as the NAACP.... their eloquent and sensational lies and receiving of awards from the CIO Newspaper Guild, such as received by Ted Poston, writer for the New York Post, influence them to such a prejudiced extent that they saw fit to reverse one of the fairest and most impartial trials I have ever witnessed."

"It is shocking to think that our Supreme Court would bow to such subversive influences."

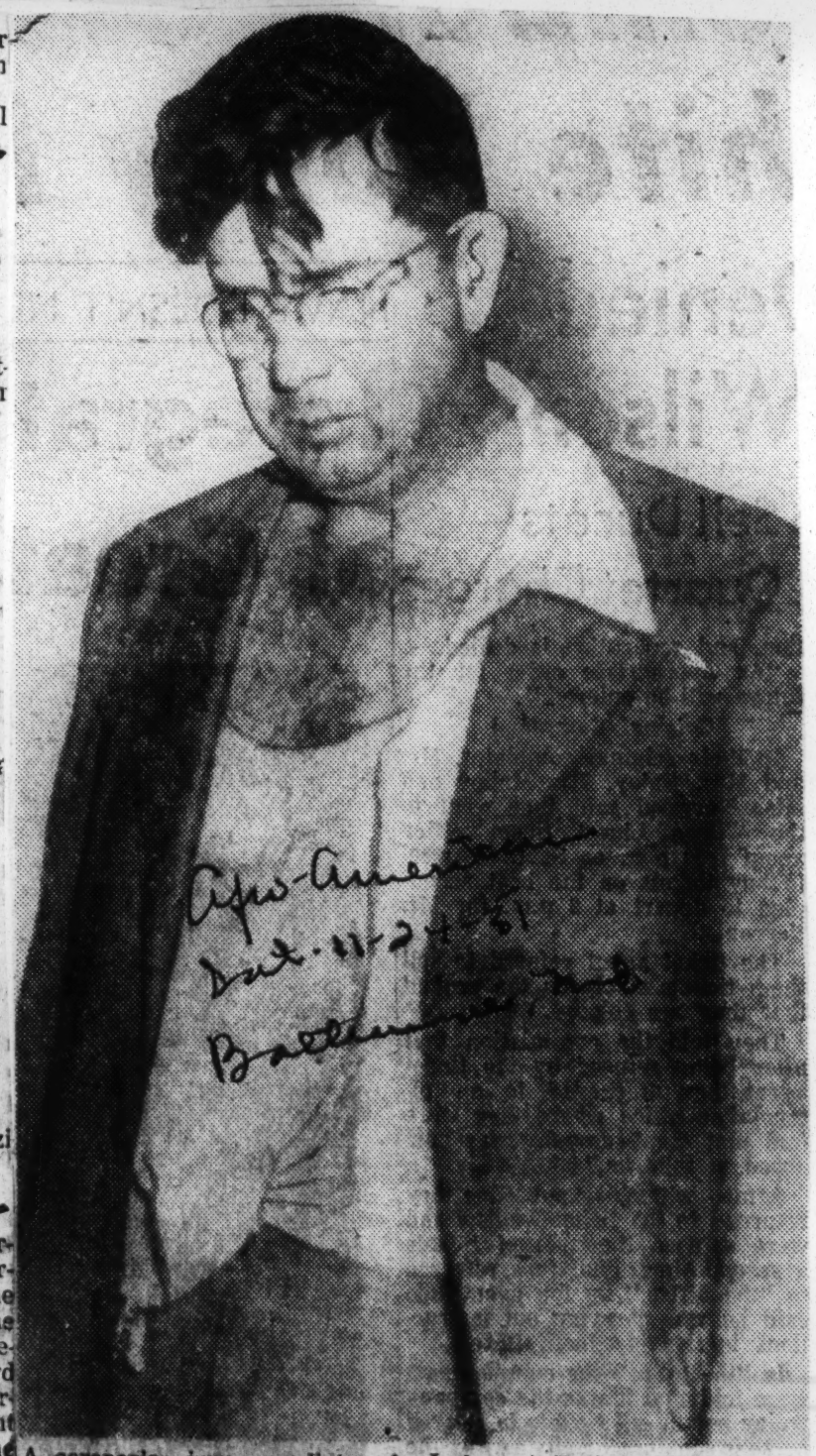
It is apparent, Mr. Marshall said, from the account of the murder by Walter L. Irvin, who miraculously escaped death at the hands of McCall, and from the circumstances, that McCall "deliberately shot and killed Shepherd and attempted to kill Irvin in order to deprive them of the right to a fair trial as ordered by the Supreme Court..."

Fla. Slaying Evokes 'Protests That Can Be Heard Around World'

NEW YORK—As anger mounted throughout the nation over the ruthless killing of Samuel Shepherd and the wounding of Walter Irvin by Sheriff Willis McCall of Lake County, Fla., branches of the NAACP began swinging into action and responding to a call from the association's national office for a "protest which can be heard around the world."

"No more brutal and dastardly flouting of law and decency has occurred in America within memory," declared Roy Wilkins, NAACP administrator, in a letter to branches. "This is bloody defiance of law and order—by an officer of the law!"

Gloster B. Current, director of NAACP branches, announced that the association will seek a million signatures on protest petitions to be circulated by members of branches throughout the country. The petitions, expressing shock that "such an atrocity could occur in the United States," hold "that such barbarism cannot be condoned any more in America than in Nazi Germany or Soviet Russia."



A coroner's jury verdict of "justifiable homicide" exonerated trigger-happy Sheriff Willis V. McCall in the fatal shooting of Samuel Shepherd and the serious wounding of Walter Lee Irving at Eutis, Fla. The FBI is still investigating the incident in which Irvin said the Sheriff shot him and Shepherd in cold blood.

'He Shot Me Three Times But I Played Dead!'

Reprinted on this page is the uncensored story of Walter Lee Irvin, above right, telling how he and Samuel Shepherd, left, who were handcuffed together, were shot in cold blood by Sheriff Willie McCall of Lake County, Fla. Shepherd died immediately but Irvin played dead until a crowd gathered. This photo was made before the bodies were removed from the scene, where Irvin remained for over an hour without first aid although he had a bullet hole in the throat, another in the chest and a third near the kidney.

Umatilla

Clear Sheriff In Florida Killing

ORLANDO, Fla.—(INS)—A Coroner's jury Saturday cleared Sheriff Willis McCall on a charge of wilfull murder in the death of Samuel Shepherd, who was killed Tuesday night near Umatilla, Fla.

The official verdict, read after the jury had delibe-

erated for 45 minutes was:

"Shepherd came to death by gunshot wounds fired by Sheriff Willis McCall, accidentally and in line of duty in protection of his life."

McCall

Walter Lee Irvin, 23, was wounded at the same time that Shepherd was killed.

Shepherd and Irvin were shot when Sheriff McCall and Deputy James L. Yates were taking the two from Raiford State prison in Orlando to a court hearing in Tavares.

A surprise witness Saturday was John Henderson, 15, who lives in the neighborhood of the shooting. He testified that he heard a "rapid succession of shots."

This was accepted as refuting testimony of Irvin who said the sheriff shot him and killed Shepherd and then Yates came back to fire another bullet into Irvin saying, "He isn't dead yet."

Gov. Fuller Warren held a two-hour conference behind locked doors with Sheriff McCall in a hotel room last Thursday night. After the conference the governor's representative, J. J. Elliott, sided with the defense of Sheriff McCall.

Vishinsky Points Out Florida Negro Case

By the Associated Press

PARIS, Nov. 9.—Soviet Foreign Minister Andrei Vishinsky yesterday charged the United States with violation of human rights in the case of two Negroes shot by a sheriff in Eustis, Fla., on Tuesday.

Mr. Vishinsky denounced what he called "Slander" by Secretary of State Acheson, who had previously charged Russian satellites with violation of human rights. The charges were made in speeches before the U. N. General Assembly.

The Soviet Foreign Minister said that a real violation of human rights had occurred in Florida this week when two "colored men" were shot. He said he read about the incident yesterday in a French newspaper.

The United States Justice Department has ordered an investigation of the Florida shooting of two prisoners, Samuel Shepherd, 23, and Walter Lee Irvin, 23, by Lake County Sheriff Willis B. McCall, who said he acted in self-defense. Shepherd was killed and his companion was seriously wounded. The two Negroes had been granted a new trial after receiving death sentences for the rape of a young white farmwife.

"This is what human rights means in the United States of America," Mr. Vishinsky shouted. "This is the American way of life." he added:

"I think some people should look after their own business, before sticking their noses into other people's houses."

Tobias Answers Red Critic Of Groveland Slaying

PARIS—(ANP)—Dr. Channing H. Tobias, alternate delegate to the United Nations, crossed swords with Soviet Foreign Minister Andrei V. Vishinsky on the race question Friday when he replied to Vishinsky's charge that life was intolerable for Negroes in the United States.

The sharp tongued Russian making an address to the General Assembly on Wednesday referred to the shooting of two prisoners in Florida, Samuel Shepherd and Walter Lee Irvin by Lake County Sheriff Willis B. McCall.

The shooting had occurred only two days before but the cables and air lines had carried the story all over the world in the brief time.

Tobias in his statement said that Negroes were making substantial progress toward full equality in the United States despite occasional lynchings, discrimination and segregation.

"We prefer to take our chances in a democracy," Dr. Tobias told a press conference.

"If there had been such an incident in Mr. Vishinsky's country, there would have been no free news channel through which the incident could be made public, Dr. Tobias said. He pointed out that the United States "had made no attempt to cover up. We do not deny the seriousness of the offense," he said. "but such incidents occur in defiance of the law not by order of the law.

"We prefer not to be reminded of such offenses by a country such as Mr. Vishinsky's, which practice slave labor, deportations and political executions."

Judge Bars Probe By Grand Jury Of Negro Slaying

Eustis, Fla., Nov. 12 (U.P.)—Circuit Judge Truman Futch today said there was "no need" for a grand jury to investigate the killing of one Negro prisoner and the wounding of another, but federal agents were still inquiring into the shootings.

Judge Futch issued a formal statement at the Lake County Courthouse in which he complimented the work of a coroner's jury Saturday when Sheriff Willis McCall was found to have fired on the Negroes in "line of duty" and in self-defense.

"There is now no need for a grand jury, and none will be impaneled at this time," he added. His announcement apparently closed any further State investigations.

How He Played Dead in Irvin's Own Words

EUSTIS, Fla. — How a 23-year-old youth ignored excruciating pain and played dead after a trigger-happy deputy sheriff shot him twice as he lay wounded and handcuffed to a slain companion is the story which is causing pulic indignation in this country and aborad.

The youth, Walter Lee Irvin, and his companion, Samuel Shepherd, also 23, were brutally shot by Sheriff Willis B. McCall on Tuesday evening as they were being transported from the state prison at Raiford to Tavares for a new trial, ordered last April by the U.S. Supreme Court which held that they did not get a fair and unbiased trial when they had been sentenced to die last year for criminal assault upon a white woman.

Shepherd died from gunshot wounds immediately but Irvin lived to tell the true story of what happened. Here it is in his own words, taken at his bedside Thursday in the presence of: Thurgood Marshall, Jack Greenberg, Alexander Akerman Jr., Paul C. Perkins, NAACP lawyers; J. J. Eliot, special representative of Gov. Fuller Warren, and newspapermen and a special nurse:

Q—Now, Walter do you remember about what time you left Raiford that day?

A—No, sir, I don't remember just what time it was. It was after dark.

Q—Who came to Raiford after you and Samuel Shepherd?

A—Mr. Sheriff McCall and Mr. Sheriff Yates.

Q—Did they come in one car or two:

A—One car. The Sheriff's car.

Q—Did they move you out of that car after that, at Wiersdale?

A—Yes, sir. At Wiersdale.

Q—How was that, did Sheriff McCall and Deputy Yates get into two cars?

A—Yes, sir that's right.

Q—How about you and Samuel?

A—We stayed in Sheriff McCall's car. Still in it.

Q—Were you in the front seat of Sheriff McCall's car?

A—Yes, sir.

"We Were Handcuffed"

Q—Were you handcuffed?

A—Yes, sir.

Q—How?

A—Handcuffed together.

Q—Who was sitting on the outside?

A—Sammy.

Samuel Shepherd was on the outside and you were in the middle?

A—Yes, sir.

—You were next to the Sheriff?

A—Yes, sir.

Now go ahead and tell us just what happened?

A—After Sammy and me were in the front seat of the Sherriff's car, the Deputy said he would go see if the car would start.

The Sheriff told him to wait a minute, to see if his car would start, and he cranked it up, and it started, and then the Deputy ran around the Sheriff's car and got into his car.

He was headed that way (indicating by pointing) and the Sheriff's car this way (indicating) going the other way, and so he turned around and started off (you know where that place is in Wiersdale where there is the school?

Talked on Radio

There is a clay road that turns off there off the highway, a clay road, and the Deputy Sheriff turns off onto that, so the Sheriff turned too and followed him. We went on the road a piece of a ways, don't know how far, and th eSheriff and the Deputy began talking on the radio, a little bit. Q—What did the Sheriff say on the radio? A—I didn't get all that they were say-

ing, but he told him to go on ahead and check and so the Deputy Sheriff went on up a short ways in front of us, and he says, OK, and the Deputy Sheriff turned off to the right.

I don't know where he went, I don't know where was he, and we turned off to the right and went on down the road a piece, and the Sheriff began to shimmy his wheels, and said, "Something is wrong with my left front tire," and he pulled off to the side, and stopped, and pretty soon reached down and under the seat on the floorboard, and got his flashlight. It was a flashlight with a red band around the head of it, it had a red trim around it, don't know what

you call that.

He got the flashlight and got out of the car, on the right side he checked the tires, and then he got back in, and said couldn't find what was wrong, I don't think he went all the way around the car.

He got back in and taken off again, and drove on a while, I will say a rough estimation of two more miles, and then he stopped again. The wheels started shimmying again, and he stopped, and was trying to pull off to the side of the road, and he reached after the flashlight again, and got out and went around to the right side of the car, and kicked the right front wheel, and then he came on around to where Sammy was sitting on the right hand side of the car.

"Shot Real Quick"

I was sitting in the middle. Then he said, "You SOB's get out and get this tire fixed" and I did not see any tires in back, but we had to obey, because he was the sheriff, and so we sent to get out, and Shepherd he taken his foot and put it out of the car, and was getting out, and I can' say just how quick it was, but he shot him, and it was quick enough.

The Sheriff turned and he had a pistol and shot him right quick, and then right quick he shot me, shot me right here (indicating right upper chest) and he come on and when he shot me, he grabbed me somewhere by my clothes, and snatched me.

The first shot Shepard and that left me facing the face of the car, you know, the face of the car, then he shot me the time he reached and grabbed me, and snatched me, and Sammy too, he snatched both of us and that threw both of us on the ground, and then I did not say anything.

I didn't say nothing, so we after he snatched me, he shot me again, in the shoulder, and still I didn't say anything all that time, and I knew that I was not through Okey, cause I did not say anything, and did not let them know that I was not dead, and after all the people came, there was lots of people came there, and some of them predicted that I was not dead.

I don't know whether they was all scared or what. anyway, there was so many different people around there and they was al talking so it did not mean much to me. I heard some remarks that "he ought to have been dead long ago."

Q—I know you are tired, but there is just one or two questions: Had you tried to jump him? The Sheriff?
A—No, sir.
Q—Where was hisgun, did he carry it on the right hand side next to you?
A—No, carried it on his left.
Q—Where was the flashlight?
A—On the floor, under the seat, on left hand side.
Q—But both times he took the light out of the car?
A—Yes, sir, both times.

Both in Front Seat

Q—Did you ever try to escape that night?
A—No, sir, never.
Q—And you were in the front seat of the car?
A—Yes. He put us both on the front seat.
Q—Walder, did you have ;ood hopes of coming out of this thing allright?
A—Yes, sir, I sure did, for I sure did have high hopes of coming out all right, and why would I try to escape, didn't have no reason to.
Q—How many times did the Sheriff shoot you?
A—Two times.
Q—How many times did Deputy Sheriff Yates shoot you?
A—One time.
Q—You were shot three times?
A—Yes, sir.

—EYEWITNESS REPORT—

Prisoner Outwits Shooting Sheriff by Faking Death

Afro American dat. 11-17-51 Baltimore, Md.

Groveland Case Youth, With Bullets in Throat, Chest and Kidney, Lives to Tell How Trigger-Happy Officer Killed Shepherd, Wounded Him; Were Handcuffed

By STETSON KENNEDY
Special AFRO Correspondent

EUSTIS, Fla. — By playing dead, a handcuffed prisoner Tuesday outwitted a Florida sheriff and lived to expose his sordid plot to by-pass the U. S. Supreme Court with .38 calibre bullets.

The prisoner, Walter Lee Irvin, 23, with three bullets cold-bloodedly pumped into his body by Sheriff Willis B. McCall, survived the 'legal lynching' which claimed the life of his fellow prisoner, Samuel Shepherd.

Shepherd was instantly killed in the lonely roadside shooting.

Irvin, talking from his hospital bed, in simple language, described how Sheriff McCall had apparently plotted to kill the two men as they were being transported from the State prison to this little community. They were scheduled to go on trial for the second time Wednesday morning.

Began Back in 1949

The whole nightmarish business began back in 1949. Then, a 17-year-old white housewife claimed she had been kidnaped by four colored youths and several days later changed her story to "criminal attack."

Local newspapers inflamed smouldering passions and all of Lake county turned into one vast mob. They rode through Groveland, the colored section, burning homes and driving 400 residents out of town.

One suspect, Ernest Thomas, 26, was "lynched" by a mob, which a coroner's jury ruled was a "posse." Charles Greenlee, 16, because of his age, was sentenced to life imprisonment. But Shepherd and Irvin were sentenced to the electric chair.

Afro American dat. 11-17-51 Baltimore, Md.

New Trial Ordered

Florida's Supreme Court upheld the death sentences, but the United States Supreme Court stepped in and ordered a new trial. The decision held that no colored person had sat on either the grand or trial juries.

Sheriff McCall's story was that he shot Shepherd and Irvin as they tried to escape. After spreading this version, the sheriff attempted to prevent anyone from getting Irvin's story.

Baltimore, Md.

NAACP attorneys Thurgood Marshall, Alex Ackerman Jr., and Paul Perkins called at the Waterman Hospital to see Irvin, after having secured permission from the attending physician.

At the door, they were barred by one of McCall's deputies, who said, "You might as well go away, because I ain't goin' to let you in."

Doctor Brushes By

The doctor brushed by the red-faced deputy, closely followed by the lawyers. Irvin was asked to tell his story.

"Well, we were going down the road . . ." he began, but the deputy cut him off by saying: "I have orders not to let anyone talk to this boy and I will have to go for further orders."

Rushing down the hall to confer with Sheriff McCall, he ran back and reported that the sheriff's continued orders were that no one was to speak to Irvin without the doctor's permission and a written order from Circuit Judge T. G. Futch.

The lawyers protested that Florida law gave them the right to confer with their client at any time, in private if preferred, but the deputy stood firm.

Judge Didn't Know

Appealing to Judge Futch, the defense lawyers were told that he did not know they had been barred from seeing Irvin, and he added that no judicial order was necessary.

That night they returned to Irvin's bedside, together with Alan H. Hamblin, official court reporter, J. J. Elliott, special investigator from the Governor's office, and the AFRO representative.

With one police slug removed, one still reposing near his kidney, and a hole through his throat, Irvin, related his version of the shooting.

"Now, Walter do you remember about what time you left (the State put it out of the car, and was getting out, and I can't say just penitentiary) at Raiford that day?" asked Attorney Ackerman.

"No, sir, I don't remember just what time it was. It was after dark."

Gives Officer's Names

"Who came to Raiford after you and Samuel Shepherd?"

"Mr. Sheriff McCall and Mr. Sheriff Yates."

"Did they come in one car or two?"

"One car. The sheriff's car."

"Did they move you out of that car after that, at Wiersdale?"

"Yes, sir, at Wiersdale."

"How was that? Did Sheriff McCall and Deputy Yates get into two cars?"

"Yes, sir, that's right. Me and Samuel stayed in the front seat of Sheriff McCall's car."

"Were you handcuffed?"

"Yes, sir."

"How?"

"Handcuffed together."

"Now go ahead and tell us just what happened."

Describes Scene

"You know where that place is in Wiersdale where there is a school, there is a clay road that turns off there off the highway, a clay road, and the deputy sheriff turns off onto that, so the sheriff turned too and followed him. He got out and got this tire fixed.' We had to obey, because he was the sheriff.

Shot Him Quick

"Shepherd he taken his foot and how quick it was, but he shot him, and it was quick enough, and he turned, the sheriff did, and then right quick he shot me, shot me right here (indicating upper right chest.)

"He snatched both of us and that threw both of us on the ground. I did not say anything. He shot me

got the flashlight, and got out of the car. On the right side he checked the tires, and on the left side he checked the tires, and then he got back in and said he couldn't find what was wrong.

went on down the road a piece of a ways, I don't know how far, and the sheriff and the deputy began talking on the radio a little bit."

"Told him to go ahead and check, and so the deputy sheriff turned off to the right. . . and we turned off to the right and went on down the road a piece, and the sheriff began to shimmy his wheels, and said, 'Something is wrong with my left front tire.' He got out and got this tire fixed.' We had to obey, because he was the sheriff.

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"He snatched both of us and that threw both of us on the ground. I did not say anything. He shot me

Sheriff's Victim Tells Own Version

again in the shoulder, and still I didn't say anything all the time. I knew that I was not dead.

"I heard him say, 'I got rid of them—killed the sons of b-----s!' He ran around the car, and called Deputy Yates on the radio, and I heard him say, 'Pull around here right quick! These sons of b-----s tried to jump me and I did a good job.'

"In about ten minutes the deputy sheriff was there. He had a pistol, I don't know whether it was his pistol or the sheriff's pistol, and he shined the light in my face and he says to the sheriff, 'That son of a b--- is not dead! Let's kill him! Let's kill him!'

Pulls the Trigger

"The deputy sheriff then pointed the pistol on me and pulled the trigger, snapped the trigger, and the gun did not shoot, and so he took it back around to the car lights, and looked in it and shined the light in it, and then something they said about letting it stay cocked.

"He turned it on me again and pulled it, and that time it fired, and went through here (indicating it went through neck), and then I began to bleed and bleed, out of my nose."

The AFRO reached the scene shortly after Prosecutor J. W. Hunter arrived. Hunter is quoted as having indignantly told Sheriff McCall, "You have urinated in my whiskey."

Just what was the meaning of this phrase was not immediately clear.

It was not until a crowd had gathered that life was discovered in Irvin.

It was fully an hour after the shooting, without first aid, before he was admitted to Waterman Memorial Hospital. The wounded man was considerably weakened from the heavy loss of blood.

Whitewash Begins

Hardly had news of the shooting been broadcast, before officialdom began an effort to "whitewash" the whole affair.

Lake County Judge W. T. Hall Jr., acting as coroner, hastily issued a report upholding the sheriff's version of the shooting.

This action was closely followed by the receipt of a telegram from the first district of the Florida Peace Officers' Association. The wire, addressed to Sheriff McCall read: "Proud of a fellow officer who with courage acted as a peace officer deserving our full comradeship."

(This reminds me of the manner in which the Klan commonly sends letters of congratulations to quick-trigger policemen for killing colored persons 'in line of duty').

Thurgood Marshall of the NAACP, announced that he had cabled Dr. Channing Tobias, United Nations delegate in Paris, suggesting that he report to Gov. Fuller Warren the bad effect that official inaction is having upon America's world prestige.

Public Opinion Changes

Marshall, in a press conference at Orlando, reported sensing a change in public opinion in Lake County, Fla.

People, who once believed Shepherd and Irvin guilty of "rape" are now enraged by the shooting of the two men.

"Irvin's story was so convincing," said Marshall, "that all who heard it are certain that he and Shopherd were the victims of a deliberate cold-blooded plan to murder both of them before the retrial ordered by the Supreme Court."

Even the local press is now convinced that the wanton slaying of Shepherd and the shooting of Irvin were brutal, premeditated acts, the NAACP attorney asserted.

The retrial of the case has been definitely postponed pending the recovery of Irvin.

SHERIFF McCALL

Walter Lee Irvin, dictates from hospital bed his version of his shooting by Sheriff Willis McCall, to Alan Hamblin, right, court reporter, At left, Paul Perkins, Orlando, Fla. representative of the NAACP.

Klan Card Gets Inside Story on Shooting Sheriff

By STETSON KENNEDY

NEW YORK — After a plane flight out of Florida and a midnight stopover at FBI headquarters in Washington, I can now tell the world that an attache to Gov. Fuller Warren's office has confided to me as a "brother klansman" that law enforcement officials have long had and suppressed photographs and sworn statements attesting to the brutal beating of Samuel Shepherd and Walter Lee Irvin, while in the custody of the sheriff's office.

A Federal grand jury which was impanelled to probe rumors of such beatings back in 1949 was not given this conclusive and shocking evidence, and the prisoners have been too intimidated even to confide in their defense lawyers.

Last week's fatal shooting of one of the victims, Shepherd, has inspired his mother, Mrs. Willie Mae Shepherd of Orlando, to report that her son had told her of the beatings during her visits to the State Penitentiary at Raiford, and that an operation had been performed on him as a result.

Prison Superintendent L. Chapman promptly denied everything.

Evidence Can Convict

However, if the FBI has done its duty, the evidence, which must have existed at least in triplicate, should be safely in the custody of the United States Governmnt.

If so, it is more than enough to prosecute and convict in Federal court the Lake County law enforcement officers who are responsible for the beatings.

Acting on a hunch (my experience in probing the Ku Klux Klan as an undercover agent of the Georgia Bureau of Investigation under then Gov. Ellis Arnall taught me to recognize the 'possum-like, beady eyes and crumpled ears of the typical kluxer), I cornered the attache in his hotel room in Eustis the morning after the coroner's jury returned its bucket of whitewash for Sheriff McCall.

Showed Card for Info

Although I was known to the rest of the press at the trial as something of a Klan-buster, the attache knew only that I was a reporter, without even knowing my name.

After emphasizing that he could say nothing for publication, the man went on to say plenty. But it was not until I pulled out my membership kard in the KKK and asked whether he was failiar with it that things began to pop.

"Well, well," he said, "I see you're very well acquainted with Mr. A-y-a-k." This is standard Ku Klux recognition rigamarole, meaning, **"Are You A Klansman?"**

"Yes, and I also know Mr. A-k-a-i," I responded. This is KKK countersign, meaning, **"A Klansman Am I."**

"What paper did you say you were with?" the attache then asked.

I hadn't said, but I told him I was sending a story to the **Southern Outlook**, a weekly pro-Klan hatesheet of Birmingham.

Member of Flogging Unit

This evidently satisfied him, for he said, "I see you're a member of the Forrest Klavern; I belong to East Point."

My kard showed that I was a member of the Nathan Bedford Forrest Klavern, the No. 1, headquarters, "Mother Klan of the Nation" in the "Imperial City" of Atlanta.

East Point is an Atlanta suburb. The klavern there was involved in a wave of pre-war floggings (not to mention postwar), one of which proved fatal to Ike Gaston, a white barber.

Solicitor a "Brother"

As a further check into the authenticity of my klannishness, the man began to ask me questions concerning Atlanta and certain klanspeople there. Fortunately, I had all the answers. He confided that he had been attached to the staff of Fulton County (Atlanta) Solicitor Frank Boykin.

During my GBI investigations, I acquired a copy of a letter from Boykin to the imperial wizard, congratulating him on the "good work" being done by the KKK, and asking the wizard to convey his (Boykin's regrets at not being able to meet more often in the Klavern with his "brother klansmen."

As soon as he was confident that I was linked in the "sacred, unfailing bond" which pledges all klansmen to keep inviolate the secrets entrusted him by a fellow klansman, under penalty, as the oathsays, of accepting "Death, death, at the hands of a Brother," the attache said something that almost bowled me over.

Leaning over confidentially, he said:

"I don't mind telling you, on the basis of that kard you just showed me, that when Irvin and Shepherd were first delivered to the State Penitentiary at Raiford by Sheriff McCall, they had had the hell beaten out of them.

"When the Raiford officials stripped them for a routine induction physical, they found both prisoners covered with scars and wounds. To protect themselves, they promply took photographs, sworn statements from Irvin and Shepherd, and filed reports. We had a devil of a time keeping them out of circulation.

"The statements the prisoners made didn't jibe on all details, so I was sent over and told to 'get coherent statement from those n—r rapists.'

Beaten at All Hours

Well, I got a statement, and there's no doubt about it—they had beaten those boys before breakfast, after breakfast, and at all hours of the day and night.

"Of course," he added as an afterthought, "when you've been in the business as long as I have, you know you can't say 'please sir' to prisoners; you have to kick them around some. Irvin told me McCall used to kick him into and out of his cell."

I knew then and there that I had to get out of that room and onto a plane out of Florida just as soon as possible, before Elliott found out who I was.

Popularity Enhanced

Matters were made worse by a knock on the door. Stephen Trumbull, reporter for the Miami Herald, who knows my record well, came in. Fortunately, he didn't call me by name. The problem then became one of getting both myself and Trumbull out of the room at the same time.

But my informant, gloating over the extensive press coverage given the whitewash of Sheriff McCall, was in an expansive mood.

"This shooting will assure the re-election of McCall for at least three more terms," he said in the presence of both Trumbull and me. Eventually I got Trumbull out of the room without mishap.

Leaves Town at Once

Saying I would "see you later," I hurried to my room down the hall, put my toothbrush and razor in my pocket, left my clothes and baggage strewn around the room, and told the desk I would "be back after a while if any messages came in."

After a brisk stroll to the Eustis bus station, I learned that, again fortunately, there would be a bus leaving for Orlando, the nearest airport, in 27 minutes.

I ducked into a drug store to wait. The bus was nearly a half hour late arriving. While waiting, I saw the attache drive past in his limousine squad car, tipping his 15-gallon Stetson to his admirers along the way.

The waitress, sensing that I was an outsider, whispered to me, "I sure did hope to see him busted to driving an orange truck!"

Once on the bus, I began to breathe easier, though I knew the official would catch up with it in a hurry if he happened to ask Trumbull or any of the other reporters who I was.

Midnight Conference Held

Again, on arriving at the Orlando bus station, I kept both eyes open for a reception committee, but none materialized.

I called the airport. There was a plane going North in 23 minutes; the man said I couldn't make it. I grabbed a cab anyway, and enroute to the airport hocked my camera to the driver for the plane fare. We made it.

At Daytona I telephoned my wife, Kay, to meet me at the Jacksonville Airport with an overcoat and other clothing. I phoned Thurgood Marshall, general counsel of the NAACP in New York and told him I wanted to first present the leads to the FBI in Washington.

Marshall, accompanied by Judge William H. Hastie and others, met me at the Washington Airport around midnight, and at 1:22 a.m., Monday, I told the story to Joseph Lehman, assistant to Mr. Rosen of the Justice Department.

Before leaving I presumed to suggest that the FBI send agents simultaneously to Raiford Penitentiary, to the office of Nathan Mayo, who as Florida Commissioner of Agriculture is in charge of the Prison Bureau in Tallahassee, to the attache in Eustis and to his boss, Governor Warren, "if they had the nerve."

(Warren recently established a precedent by defying a subpaena ordering him to appear before the Senate subcommittee investigating crime to answer questions about alleged official sanction of gambling in Florida.)

And then I flew on into New York.

Agents Make Contact

That the FBI did not sleep on the information is indicated by the fact that my wife telephoned me the next morning from Jacksonville to say that she had found local FBI Agents Hirsht and Alt parked and waiting by our RFD mailbox for someone to show up (our home is a mile down the road).

While we live in a turpentine camp community, we are not without friends among our neighbors, most of whom are inclined to frown upon Sheriff McCall's emptying his pistol into his two manacled prisoners.

"It's too much like shooting quail on the ground or ducks on the water," they say, their sporting tradition asserting itself.

I hope the FBI gets the goods, that the Justice Department brings charges before a Federal grand jury, and that indictments and convictions are brought in against any and all who are found guilty of violating the U.S. civil rights statute protecting prisoners from police brutality.

Wants Evidence Produced

Moreover, when Irvin, the surviving victim, is again brought to trial, I hope any and all evidence of his having been beaten as well as shot three times is laid before the jury.

Meanwhile, I am casting about for a new job, and preparing to give up my home in the event that we are visited by a mob of enemies more potent than my friends.

Kay asked the FBI agents what might be done about protection, and they of course referred her to the local authorities.

I can't think of anything more suicidal. We'll just have to stand by our Constitutional privilege of bearing varmint guns and await developments when the story breaks.

Gov. Warren Asked To Remove Sheriff

TALLAHASSEE, Florida— (SNS) —Governor Fuller Warren was advised yesterday in a telegram from Thurgood Marshall, legal counsel for the NAACP, to "demonstrate whether or not the state of Florida believes in fair play and justice" by replacing sheriff McCall, who "shot and killed Samuel Shephard and attempted murder of Walter Irvin." The full text of the telegram follows:

"Killing of Samuel Shephard and attempted murder of Walter Irvin by Sheriff McCall has all evidence of type of unlawful killings by peace officers which have replaced old type of lynchings. This new pattern requires cooperation of other state officers to escape justified [illegible]tion. In this case you sent [illegible]vestigator J. J. Elliott to area to investigate. From his testimony at coroner's inquest it is obvious that he spent all his time getting together a defense for McCall's shooting of two manacled prisoners at least five times "in self defense." Instead of emoving McCall from duty, at least, temporarily after the sworn testimony of Irvin to your representative, you left him in complete charge of the case, and of Irvin's safety. You also held a two hour conference with McCall in a hotel in Jacksonville Thursday night.

"After this conference your representative, J. J. Elliott testified in defense of McCall. All of this fits directly into the new pattern which has replaced the old type of lynching. You still have an opportunity to demonstrate whether or not the state of Florida believes in fair play and justice.

"Unless Sheriff McCall is replaced and your representative J. J. Elliott is replaced and impartial persons are assigned duty of presenting this case to grand jury, the state of Florida will stand indicted and convicted of racial injustice in the eyes of the world and this with the complete sanction and approval of the state of Florida. We still prefer to believe that Florida will not thus stand convicted. The answer is in your hands." (Signed) Thurgood Marshall and Alex Akerman, Special Counsel, NAACP.

Disregarding the clearing of sheriff Willis B. McCall by a coroner's jury, here Saturday, for the shooting of the two Negro prisoners enroute for a new trial in the famous Groveland case, the Federal Bureau of Investigation is continuing its probe into the shooting incident that caused the death of Samuel Sheppard and critical wounds to Walter Lee Irvin.

Some legal experts in the Justice Department were said to be of the opinion a defendant in a state criminal proceeding who has taken his case into the United States Supreme Court is surrounded by special Fedarel protection until the case is finally disposed of.

If such be the case, it was mindicated that the Justice Departmen might move to have the Suprem Court, which had ordered a ne trial for the men, take jurisdictio over the case.

Background Facts of Groveland Case

The Groveland case caused nation-wide indignation in July, 1949 when, following an alleged attack on a white woman on the highway near Groveland, a wave of terror and night-riding resulting in the burning of homes and routing of more than 400 colored residents.

The National Guard was called out to restore order.

The woman said that four colored youths attacked her. Three men, Shepherd, Irvin and Charles Greenlee were arrested and charged with the crime; a fourth, Ernest Thomas, was shot and killed by a sheriff's posse in a swamp where he allegedly resisted arrest.

In Hostile Atmosphere

The three men given trials in an atmosphere of hostility and race tension, were convicted. Greenlee, because he was only 16 years old, was sentenced to life imprisonment and the other two were doomed to die.

The NAACP appealed this conviction last year and the U.S. Supreme Court last April ordered a new trial. Justice Robert Jackson who concurred with the unanimous opinion of the court that the convictions came in an atmosphere of hostility and bias fanned by inflammatory articles in the daily press, wrote: 'These conviction do not meet any civilized conception of due process of law.'

Probers Call it 'Murder'

Justice Impossible in Groveland, Fla.

By JAMES L. HICKS

NEW YORK — Two white ministers who had just completed an impartial investigation of the Groveland Case before a sheriff shot and killed one of the defendants and seriously wounded another, sat in the offices of the NAACP here Wednesday and stated that there is very little doubt in their minds that the sheriff had committed cold-blooded "murder."

The two ministers, the Rev. Paul Moore, pastor of Grace Protestant Episcopal Church of Jersey City, and Dr. Ralph S. Harlow, professor of religion and social ethics at Smith College, had just returned to New York from Orlando, Fla. after being sent there along with two other white ministers by the "Committee of 100" to determine whether Walter Irvin and Samuel Shepherd, two of the defendants in the case, could receive a fair trial in Lake County, Fla. after the U.S. Supreme Court reversed their conviction on a criminal assault charge and ordered a new trial.

The Revs. Mr. Moore and Harlow returned to New York Wednesday after Sheriff Willis McCall shot and killed Shepherd and wounded Irvin Tuesday night as he took them from the Florida State Prison at Raiford to Tavares, on the eve of their retrial.

Shot While Wounded

The sheriff claims he shot the two men when they tried to "escape." Irvin has denied this and further charged that he was shot a second time by a deputy sheriff as he lay wounded by the side of the road.

The two ministers reported with lengthy documents supporting their interviews with both white and colored citizens of Lake County. They were asked point blank by reporters whether they felt that Sheriff McCall had wantonly shot down the two men on the lonely Florida [illegible] whether they believed the sheriff's tale.

A reporter asked: "Do you think it was murder." The Rev. Mr. Moore replied "There is very little doubt in my mind that it was murder." The Rev. Mr. Harlow then spoke up: "There is no doubt at all in my mind either that it was murder."

The ministers reported that even in the hate-ridden section of central Florida that was the scene of the tragedy people were asking:

Why Alone at Night?

Why was the sheriff driving alone at night with two prisoners who had been condemned to death? Why were two cars used to bring them over from the penitentiary at Raiford and why was this done at night?

Why did sheriff McCall bypass the main thorough fare to Tavares in favor of a longer and less frequented back road?

They then proceeded to outline to reporters the conclusions of their findings—conclusions which theystated showed clearly that it was utterly impossible for the two men to be given a new trial in Lake County despite the fact that the Supreme Court had ordered such a trial.

They offered names of persons, both white and colored, with whom they had talked in the county—names which NAACP lawyers would not let them reveal for fear of the informants safety—and quoted these people as saying that nowhere in the county could one fine 12 white people to make up a jury who already had not prejudged the case as to the guilt of the two men.

Minister Turned Down

As evidence of the type of white jury which convicted the men in the first place, the Rev. Mr. Harlow reported one young white minister who stated that he had been called to jury duty and turned down.

He stated to the team of investigators that he was turned down because when he was asked whether he had been influenced in the case he answered "How can anyon in this section who has read the papers be free of some prejudice in this case?"

"But," the young minister continued, "the next man who was called to jury duty and accepted had said "What they ought to have done is take those n—— out, tie them to a stake, and burn them."

The team of ministers reported that in most every instance, white people with whom they talked insisted that the colored men had been given a fiar trial, while colored people with whom they talked equally contended that the trial had been a farce.

Invitation to Death

The NAACP disclosed that it has a signed statement by the mother of Shepherd which states that Shepherd told her that the two men had once been invited to try to escape in order to give the law enforcement officers opportunity to shoot them down.

Walter White said "This case is not just another case of police brutality. It is flouting the U.S. Supreme Court." He appealed for funds to help fight the case. The Rev. Mr. Harlow said "This case, to me, is a stab in the back to our boys who are dying in Korea."

Sheriff Is Freed By Jury

EUSTIS, FLORIDA— Sheriff Willis McCall, and a deputy were accused Nov. 6 by Walter Irvin of shooting him and killing a fellow Negro prisoner without cause.

Thursday night, Irvin said Deputy James L. Yates shot him while he lay wounded on the ground after McCall fired two bullets into his body.

He related Yates shot him in an effort to make sure he was dead.

Irvin is a defendant in a rape case. Samuel Shepherd, also charged in the same case, was killed Tuesday night, Nov. 6, while he and Irvin were being returned from the state prison at Raiford

McCall said he shot the two Negroes when they "jumped him and tried to escape when he stopped to inspect a faulty tire." Yates said he had no comment.

The two Negroes were being taken to Tavares for a hearing in connection with a re-trial on charge they raped a farm wife in July 1949.

A Coroner's jury late this week ruled that Sheriff McCall was justified in fatally shooting to death his prisoner, Shepherd.

Gov. Euller Warren's special investigator J. J. Elliott testified by dramatically exhibiting the coat that the sheriff is reputed to have been wearing at the time of the alleged attack, and pointed to powder burns on the inner part of the sleeve close to the cuff.

"If that coat was on a man, the man had his arm all doubled up." Elliott said. "You can see how close the man who fired came to shooting his elbow off, which shows there was some kind of a struggle. He wasn't target shooting." added Elliott.

Eustis, Fla.—(NAACP Release) The following is the verbatim sworn statement of Walter Lee Irvin, who survived an attempt of Lake County, Fla., Sheriff Willis McCall and his deputy James L. Yates, to kill him on the night of November 6, while en route from the state prison at Raiford to Tavares where a hearing was scheduled for November 7 on a motion for change of venue for a new trial.

THE TESTIMONY

QUESTION BY MR. AKERMAN

Now, Walter, do you remember about what time you left Raiford that day

Affiant: No, Sir, I don't remember just what time it was. Mr. Akerman; Before or after dark? A. After dark.

Mr. Akerman: Who came to Raiford after you and Samuel Shepherd?

A. Mr. Sheriff McCall and Mr. Sheriff Yates.

Mr. Akerman: Did they come in one car or two?

A. One car. The Sheriff's car.

Q. Did they move you out of that car after that, at Wiersdale?

A. Yes, sir. At Wiersdale.

Q. How was that, did Sheriff McCall and Deputy Yates get into two cars?

A. Yes, sir that is right.

Q. How about you and Samuel?

A. We stayed in Sheriff McCall's car. Still in it.

Q. Were you in the front seat of Sheriff McCall's car?

A. Yes, sir.

Q. Were you handcuffed?

A. Yes, sir.

Q. How?

A. Handcuffed together.

Q. Who was sitting on the outside?

A. Sammy.

Q. Samuel Shepherd was on the outside and you were in the middle?

A. Yes, sir.

Q. You were next to the Sheriff?

A. Yes, sir.

Q. Now go ahead and tell us just what happened?

A. After we were in the front seat, after Sammy and me were in the front seat of the Sheriff's car, the Deputy said wait a minute, he would go see if the car would start, and the Sheriff told him to wait a minute, to see if car would start, and he cranked it up, and it started, and then we, so the Sheriff did get it started, and then the Deputy ran around the Sheriff's car and got into his car he was headed that away (indicating by pointing' and the Sheriff's car this way (indicating) going the other way, and so he turned around and started off, you know where that place is in Wiersdale where there is the school, there is a clay road that turns off there off the highway, a clay road, and the Duputy Sheriff turns off onto that, so the Sheriff turned too and followed him. We went on the road a piece of a ways, I don't know how far, and the Sheriff and the Deputy began talking on the radio, a little bit.

Mr. Elliott: What did the Sheriff say on the radio?

A. I didn't get all that they was saying, didn't get everything.

Mr. Elliott: Get some?

A. Told him to go on ahead and check and so and so the Deputy Sheriff went on up a short ways in front of us, and he says, OK, and the Deputy Sheriff turned off to the rgiht, I don't know where he went, I don't know where was he, and we turned off to the right and went on down the road a piece, and the Sheriff began to shimmy his wheels, and said, "Something is wrong with my left front tire" and he pulled off to the side, and stopped, and pretty soon reached down and under the seat on the floorboard, and got his flashlight, it was a flashlight with a red band around the head of it, it had a red trim around it, don't know what you call that, He got the flashlight and got out of the car, one the right side he checked the tires, and on the left side he checked the tires, and then he got back in, and said couldn't find what was wrong, I don't think he went all the way around the car. He got back in and taken off again, and drove on a while, I will say a rough estimation of two more miles, and then he stopped again, the wheels started shimmying again, and he stopped, and was trying to pull off to the side of the road, and he reached after the flashlight again, and got out and went around to the right side of the car, and kicked the right front wheel, and then he came on around to where Sammy was sitting on the right hand side of the car. I was sitting in the middle Then he said, "You SOB's, get out and get this tire fixed" and I did not see any tires in back, but we had to obey, because he was the Sheriff, and so we went to get out, and Shepherd he taken his foot and put it out of the car, and was getting out. and I can't say just how quick it was, but he shot him, and it was quick enough, and he turned. the Sheriff did. and he had a pistol and shot him right quick and then right quick he shot me, shot me right here (indicating right upper chest) and he come on and when he shot me, he grabbed ed me somewhere by my clothes, and snatched me, he frst shot Shepherd and that left me facing the face of the car, you know, the face of the car, then he shot me the time he reached and grabbed me, and snatched me, and Sammy too, he snatched both of us and that threw both of us on the ground, and then I did not say anything, I didn't say nothing, so we after he snatched me, he shot me again, in the shoulder, and I still didn't say anything all that time and I knew that I was not dead. and so I heard him say "I got rid of them, killed SOB's but I still did not say anything.. He ran around the car, and called the Deputy Sheriff on the radio, and I heard him say, "Pull around here right quick, these SOB's tried to jump me and I did a god job," and in about ten minutes the Deputy Sheriff was there. He came from Towards Umatilla, and got out of his car, had pulled his car over to the side of the road, and that pulled the car over to where the Sheriff's car was parked, and the Sheriff's lights were still burning. The Deputy Sheriff had a pistol I don't know whether it was his pistol or the Sheriff's postol, and the Deputy he shined the light in my face, and he says to the Sheriff, "That SOB is not dead" and then he said, "Let's kill him." The Deputy Sheriff then pointed the pistol on me, and pulled the trigger, snapped the trigger and the gun did not shoot, and so he took it back around to the car lights, and looked in it, and shined the light in it and then something they said was about letting it stay cocked, and so he turned it on me again, and pulled it, and that time it fired, and went through here (indicating it went through neck) and then I began to bleed and bleed, out of my nose.

Mr. Akerman: Is that Deputy Yates you say?

A. YES SIR. He shot me the third time, but I managed to pull through OK, cause I did not say anything, and did not let them know that I was not dead, and after alll the people came, there was lots of people came there, and some of them predicted that I was not dead, I don't know whether they was all scared or what, anyway, there was so many different people around there and they was all talking so it did not mean much to me. I heard some remarks that "he ought to have been dead long ago."

Mr. Akerman: I know you are tired, but there is just one or two questions: Had you tried to jump him? The Sheriff?

A. No, sir.

Mr. Marshall: Where was his gun, did he carry it on the right hand side next to you?

A. No, carried it on his left.

Mr. Akerman: Where was the flashlight?

A. On the floor, under the seat, on left hand side.

Q. But both time he took the flashlight out of the car?

A. Yes, sir, both times.

Mr. Marshall: Did you ever try to escape that night?

A. No, sir, never.

Q. And you were in the front seat of the car?

A. Yes. He put us both on the front seat.

Mr. Perkins: Walter, did you have good hopes of coming out of this thing all right,

A. Yes, sir, I sure did, for I sure did have high hopes of coming out allright, and why would I try to escape, didn't have no reason to.

Mr. Akerman: Q. How many times did the Sheriff shoot you?

A. Two times.

Q. How many times did Deputy Sheriff Yates shoot you?

A. One time.

Q. You were shot three times?

A. Yes, sir.

FURTHER THE AFFIANT SAITH NOT.

State of Florida, County of Lake, Walter Lee Irvin, Affiant

WALTER IRVIN, by me being first duly sworn, deposes and says that he has read the above and foregoing affidavit, and that it is a true and correct transcription of his statement as made before me.

SWORN TO AND SUBSCRIBED BEORE ME, this 8th day of November, AD 1951 at Eustis, Lake County, Florida.

The U.S. Army's 25th Division Military Police Company has processed some 25,000 prisoners of war since the beginning of the conflict.

Winchell, Stars Help Raise $20,000 for Widow of Cop

Winchell Breaks the News—Walter Winchell, extreme right, tells Mrs. Leroy LaFleur, widow of the slain Miami (Fla.) police officer that some twenty thousand dollars had been raised for her and her children, with donations coming through his broadcasts and two benefits staged by stage and screen stars. Aa the benefit at the Harlem Theatre in Miami, left to right, were Larry Steele, of "Smart Affairs of '51"; Dr. I. P. Davis, Sgt. George Allen, Champion Sugar Ray Robinson, Lieut. J. T. Griffin, "Butterbeans" of "Butterbeans and Susie" and Miami's Chief of Police Walter E. Headley. Behind Mrs. LaFleur, facing Winchell, is Eddie Cantor, also one of the performers at the benefit.

2 Miami Benefits

Policeman Slain, Stars To Rescue

By JOHN L. DIAZ

MIAMI, Fla.—Police Officer Leroy LaFleur is dead, but his wife and four small children at least have a brighter hope for the future—and some $20,000—for big-hearted Americans of all races, colors and creeds poured out their hearts for them here last week. Sparked by Walter Winchell, famous radio commentator, two benefits have netted them nearly $20,000.

Officer LaFleur was shot down in cold blood a few weeks ago by an unknown assailant. He became the first Negro policeman in Miami to give his life in line of duty.

The fact that Officer LaFleur was a well-liked policeman in his area was not the only reason for the general concern about the future welfare of his family. But Miami showed its teeth against those who would attempt to make crime the master over law and order.

CITIZENS AROUSED

The criminal is still on the loose, but from the reaction of Miamians to show their sympathies for the man-behind-the-star, he has not only offended the entire law enforcement cycles of this area, but the average Mr. John Q. Citizen.

Walter Winchell, internationally famous newspaper and radio commentator and analyst, led the campaign with all the fervor and vigor with which he has promoted millions for the Damon Runyon Cancer Fund. He gave liberally of his time and influence to bring into the coffers of the bereaved Mrs. LaFleur and her four children for their future over $8,000.

The Wometco Theatres sponsored a special benefit at the Harlem Theatre, presenting top entertainment stars performing in this aera, and turned the entire proceeds, including ticket sales and donations, over to the LaFleur fund. Dr. I. P. Davis was chairman of this program.

WINCHELL GIVES $1,000

The Cotton Club, top Miami Beach nitery, gave a full night of entertainment for the benefit of the wife and children of this slain Negro policeman. Walter Winchell, the greatest money-raiser of all times, started the show off with $1,000.

Checks began to come from patrons: $1,000 from Martin Tannerbaum; $1,000 from Mrs. Winchell; $500 from Champion Sugar Ray Robinson; $500 from Eddie Cantor, Frank Rosen, Arthur Baer, Ben Lewis, Little Palm Club, and Jo Baker sent $500. Jimmy Durante, Georgie Tapps, Danny Thomas and Billy Daniels made sizeable contributions.

HOUSE PACKED

Local Negroes played their part well at the Harlem Theatre. They packed the house to capacity at $1.50 a seat and more. Clyde Killens, proprietor of the Four Corners Club (Elk's) donated $152.

There has been nothing like it anywhere, and every conceivable dignitary and average citizen contributed liberally to the future security of the wife and family of a policeman whose life was snuffed out by a criminal he attempted to bring to justice.

Mrs. LaFleur will get $8,000 group insurance from the city, and $113.42 per month. In addition she will get $230.80, an amount paid into the Police Benevolent fund by her husband.

Slain Officer's Family— Mrs. Leroy LaFleur, widow of Police Officer Leroy LaFleur, who was slain by an unidentified assailant, at her home in Miami, Fla., with her four children, left, Leon, 4; one-year-old Larry in mother's arms; Leroy Jr., , and Lawrence, 3. Two benefits for the family, one at the Cotton Club in Miami Beach and the other at the Harlem Theatre, netted approximately twenty thousand dollars.

Prison Boss Charged With Brutality In Florida

CLEARWATER, Fla.— (INS) — Immediate discharge was recommended Tuesday for the director accused of brutal treatment of prisoners at Florida State Road Camp 8515 near Largo.

A probing Pinellas County Grand Jury also deplored conditions found at the prison and made recommendations for improvement. The jury reported, however, it did not find sufficient evidence to warrant criminal indictments.

Circuit Judge John Bird had instructed the investigating panel last Thursday to look into all phases of charges of mismanagement at the prison and "let the chips fall where they may."

Former Guard William Walker first told newsmen last month that prisoners were beaten, food was bad and medical treatment was inadequate.

Several former prisoners supported his charges, which were denied by Director L. P. Jones. It was Jones whose discharge was recommended by the jury.

After hearing testimony by Walker and present and past convicts at the year-old "model" prison camp, the grand jury returned its report Tuesday:

The following conditions were reported:

Rules established by the state for conduct of prison camps were violated and disregarded.

Prisoners were physically abused by administrative personnel. Prisoners were often fed poorly cooked and unwholesome meals. Prisoners were denied adequate medical treatment. State prison inspectors failed to report the conditions at the camp or to demand enforcement of conduct rules.

For alleviating the conditions, jurors recommended:

That Capt. L. P. Jones be fired immediately from state employ. That proper medical supervision be provided. That more thorough inspections be made by the state. That more discretion be exercised in employing administrative personnel for prison camps.

Negro Tells Of Shooting

EUSTIS, FLA., Nov. 8—(AP)—Walter Irvin, 23-year-old Negro, said Thursday night a deputy sheriff fired a bullet into him while he lay wounded from two shots fired by Sheriff Willis McCall.

Irvin said the deputy sheriff was James L. Yates, who accompanied McCall on a trip from the state prison at Raiford to Tavares.

Irvin and Samual Shepherd, 23, were being returned for a hearing on motions in connection with a U. S. Supreme Court order to give them a new trial after their conviction of raping a white farm wife.

Sheriff McCall said he shot and killed Shepherd and wounded Irvin when they tried to escape near Umatilla Tuesday night.

McCall said Shepherd struck him in the left temple with a flashlight and the two Negroes tried to overpower him after his car had a flat tire. He has explained through County Judge W. Troy Hall that he shot in self defense.

Judge Hall, acting as coroner, said McCall shot the Negroes when they tried to escape.

Deputy Yates has said, in answer to all questions, he had no comment.

Irvin gave his explanation of the shooting in halting terms to his defense attorneys and reporters in the Waterman Memorial Hospital.

Also present were J. J. Elliott, special investigator for Governor Warren, and a court reporter who took down Irvin's statement.

In answer to questions, Irvin denied he and Shepherd tried to escape, denied they jumped the sheriff and denied hitting him.

Florida sheriff kills Negro in assault case

EUSTIS, Fla., Nov. 8—(AP)—A Negro convicted of raping a Lake County farm wife was shot to death and a companion wounded Tuesday night by Sheriff Willis B. McCall.

Both were under death sentence but their convictions had been reversed by the U. S. Supreme Court. They were being brought here for a rehearing today when the shooting took place.

McCall said he was forced to act in self-defense. He said the pair attacked him when he stopped his car to fix a flat tire.

The slain Negro was Samuel Shepherd, 23. He was sho three times. One bullet went through his head.

Wounded three times in the neck and chest was Walter Lee Irvin, also 23.

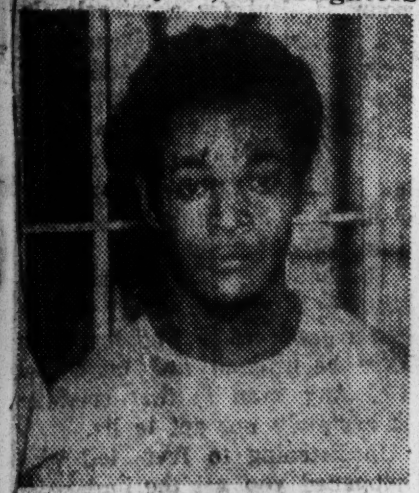
The rape case brought wide dissention two years ago in the Groveland area when "night riders" rode through the sector and burned Negro homes. The National Guard was called out to restore order.

Shepherd and Irvin were sentenced to death at a previous trial but the Supreme Court directed that they be tried a second time.

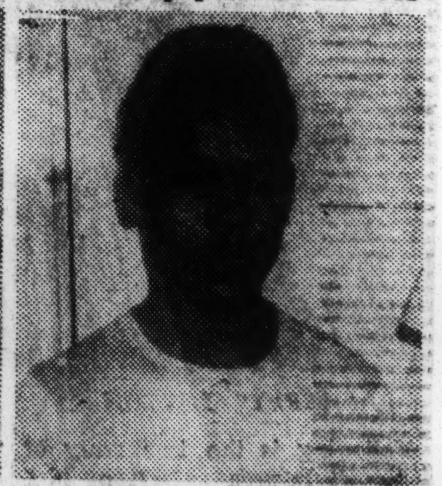
Sees Sheriff Kill Buddy; Case Stirs United Nations

Surviving Youth Denies Sheriff's 'Escape' Story

EUSTIS, Fla. — From a bed in Waterman Memorial Hospital here, Walter Lee Irvin, last week, gave a roomful of lawyers, investigators and newspapermen his ver-



SAM SHEPHERD



WALTER L. IRVIN

sion of an incident that shocked the nation and echoed in the chambers of the general assembly of the United Nations in Paris.

Irvin, was shot three times and left for dead and his fellow-prisoner Sam Shepherd was killed Tuesday night by Sheriff Willis McCall and Deputy James L. Yates enroute to Tavares for a hearing scheduled for November 7.

Questioning Irvin were Alexander Ackerman, Thurgood Marshall, Jack Greenberg and Paul C. Parkins of the NAACP defense staff and J. J. Elliott, special investigator for Gov. Fuller Warren.

Transcript of the proceedings follows:

Akerman: Now, Walter, do you remember about what time you left Raiford that day?

Irvin: No, sir, I don't remember just what time it was.

Akerman: Before or after dark? A. After dark.

Akerman: Who came to Raiford after you and Samuel Shepherd? A. Mr. Sheriff McCall and Mr. Sheriff Yates.

Akerman: Did they come in one car or two? A. One car. The Sheriff's car.

Q. Did they move you out of that car after that, at Wiersdale? A. Yes, sir. At Wiersdale.

Q. How was that, did Sheriff McCall and Deputy Yates get into two cars? A. Yes, sir that's right.

Q. How about you and Samuel? A. We stayed in Sheriff McCall's car. Still in it.

Q. Were you in the front seat of Sheriff McCall's car? A. Yes, sir.

Q. Were you handcuffed? A. Yes, sir.

Q. How? A. Handcuffed together.

Q. Who was sitting on the outside? A. Sammy.

Q. Samuel Shepherd was on the outside and you were in the middle? A. Yes, sir.

Q. You were next to he Sheriff? A. Yes, sir.

Q. Now go ahead and tell us just what happened.

A. After we were in the front seat, after Sammy and me were in the front seat of the Sheriff's car, the Deputy said wait a minute, he would go see if the car would start. The Sheriff told him to wait a minute, to see if his car would start, and he cranked it up, and it started.

So the Sheriff did get it started, and then the Deputy ran around the Sheriff's car and got into his car. He was headed thataway (indicating by pointing) and the Sheriff's car thisaway (indicating) going the other way, and so he turned around and started off.

You know where that place is in Wiersdale where there is the school, there is a clay road that turns off there off the highway, a clay road, and the Deputy Sheriff turns off onto that. So the Sheriff turned too and followed him. We went on the road a piece of a ways, I don't know how far, and the Sheriff and the Deputy began talking on the radio, a little bit.

Elliott: What did the Sheriff say on the radio? A. I didn't get all that they was saying, didn't get everything.

Q. Elliott: Get some? A. Told him to go on ahead and check and so the Deputy Sheriff went on up a short ways in front of us, and he says, OK. The Deputy Sheriff turned off to the right, I don't know where he went, I don't know where was he, and we turned off to the right and went on down the road a piece, and the Sheriff began to shimmy his wheels, and said, "Something is wrong with my left front tire."

He pulled off to the side, and stopped, and pretty soon reached down and under the seat on the floorboard, and got his flashlight. It was a flashlight with a red band around the head of it, it had a red trim around it, don't know what you call that.

He got the flashlight and got out of the car on the right side. He checked the tires, and on the left side he checked the tires, and then he got back in, and said couldn't find what was wrong. I don't think he went all the way around the car. He got back in and taken off again, and drove on a while, I will say a rough estimation of two more miles, and then he stopped again.

The wheels started shimmying again, and he stopped, and was trying to pull off to the side of the road, and he reached after the flashlight again, and got out and went around to the right side of the car, and kicked the right front wheel, and then he came on around to where Sammy was sitting on the right hand side of the car.

I was sitting in the middle. Then he said, "You SOB's get out and get this tire fixed." I did not see any tires in back, but we had to obey, because he was the Sheriff. So we went to get out, and Shepherd he taken his foot and put it out of the car, and was getting out, and I can't say just how quick it was, but he shot him.

It was quick enough, and he turned, the Sheriff did, and he had a pistol and shot him right quick, and then right quick he shot me, shot me right here (indicating right upper chest) and he come on and when he shot me, he grabbed me somewhere by my clothes, and snatched me.

He first shot Shepherd and that left facing the face of the car, you know, the face of the car. Then he shot me the time he reached and grabbed me, and snatched me, and Sammy too. He snatched both of us and that threw both of us on the ground, and then I did not say anything, I did not say nothing.

So after he snatched me, he shot me again, in the shoulder, and still I didn't say anything all that time, and I knew that I was not dead. So I heard him say "I got rid of them, killed the SOB's" but I still did not say anything.

He ran around the car, and called the Deputy Sheriff on the radio, and I heard him say, "Pull around here right quick, these SOB's tried to jump me and I did a good job." In about 10 minutes the Deputy Sheriff was there. He came from towards Umatilla, and got out of his car. The Deputy Sheriff had a pistol. I don't know whether it was his pistol or the Sheriff's pistol, and the Deputy he shined the light in my face, and he says to the Sheriff, "That SOB is not dead" and then he said, "Lets kill him."

The Deputy Sheriff then pointed the pistol on me, and pulled the trigger, and the gun did not shoot, and so he took it back around to the car lights, and looked in it, and shined the light in it.

Then something they said about letting it stay cocked, and so he turned it on me again, and pulled it, and that time it fired, and went through here (indicating it went through neck) and then I began to bleed and bleed, out of my nose.

Akerman: Is that Deputy Yates you say? A. Yes, sir. He shot me the third time, but I managed to pull through OK, cause I did not say anything, and did not let them know that I was not dead. After all the people came, there was lots of people came there, and some of them predicted that I was not dead.

I don't know whether they was all scared or what, anyway, there was so many different people around there and they was all talking so it did not mean much to me. I heard some remarks that "he ought to have been dead long ago."

Akerman: I know you are tired, but there is just one or two questions: Had you tried to jump him? The Sheriff? A. No, sir.

Marshall: Where was his gun, did he carry it on the right hand side next to you? A. No, he carried it on his left.

Akerman: Where was the flashlight? A. On the floor, under the seat, on left hand side.

Q. Both times he took the flashlight out of the car? A. Yes, sir, both times.

Marshall: Did you ever try to escape that night? A. No, sir, never.

Q. And you were in the front seat of the car? A. Yes. He put us both on the front seat.

Perkins: Walter, did you have good hopes of coming out of this thing allright? A. Yes, sir. I sure did, for I sure did have high hopes of coming out allright, and why would I try to escape, didn't have no reason to.

Akerman: How many times did the Sheriff shoot you? A. Two times.

Q. How many times did Deputy Sheriff Yates shoot you? A. One time.

Q. You were shot three times? A. Yes, sir.

FBI Probing Fatal Shooting in Florida by Sheriff McCall

Promises 'Prompt, Effective Action If It Finds Violation of Federal Criminal Statutes

NEW YORK—The Federal Bureau of Investigation "is prepared to take prompt and effective action" if it finds any "violation of Federal criminal law" in the recent slaying of Samuel Shepherd and wounding of Walter Irvin by Sheriff Willis McCall of Lake County, Fla., on the eve of a retrial ordered for them by the United States Supreme Court.

In a letter to Walter White, executive secretary of the NAACP, James M. McInerney, assistant attorney-general, asserted that the Justice Department is "aware of the gravity of the matter." He stated that "a full investigation is being conducted in this case with a view to determining whether or not a violation of Federal criminal law was committed."

As the FBI continued its probe, a barrage of protest telegrams and calls for action descended upon the Justice Department and upon Gov. Fuller Warren in steadily increasing intensity.

Adverse Impact Abroad

From Paris, O. Frederick Nolde of the Commission of the Churches on International Affairs cabled Gov. Warren that the Florida tragedy "has serious adverse impact on public opinion reflected at the Paris session of the United Nations Assembly."

Reginal H. Zalles, national executive secretary of Americans for Democratic Action, wire Attorney-General J. Howard McGrath that the Federal Government "has responsibility to enforce equal justice for all" and also wired the Florida governor, urging "fullest investigation to establish culpability for these crimes."

In a letter to Mr. White, Mr. Zalles expressed the opinion that "maximum penalties for all guilty parties must be exacted if we are to have any hope whatsoever that law enforcement does not become a tragic mockery."

Asks McCall's Ouster

Calling for the removal from office of Sheriff McCall and Deputy Sheriff James Yates, the International Brotherhood of Sleeping Car and Train Coach Porters, AFL, through International Secretary-Treasurer Ashley L. Totten, wired Governor Warren:

"May we depend upon your highest sense of human understanding and recognition that the State of Florida must be included in the civilization of this nation and the world."

Branches of the NAACP, mobilized by a call from the national office for immediate action in the case, prepared this week to circulate petitions in their local communities. Each petition has space for 25 signatures of persons who wish to join the NAACP in demanding action on the case.

Harry T. Mims, executive secretary of the Florida State Conference of NAACP branches, wrote Governor Warren that "it is quite plain . . . that Shepherd's life could have been spared, Irvin's suffering prevented, and the entire situation avoided if the proper precautions had been taken."

Mr. Mims reminded the Governor that in 1949 the Florida NAACP requested that Shepherd and Irvin, who had been beaten by Lake County police officers, "not be entrusted to the custody of Lake County officials again, but . . . be permitted to leave Raiford State Penitentiary only under a special guard appointed by you."

Negro says officers shot without cause

EUSTIS, Fla., Nov. 9—(AP)—Sheriff Willis McCall and a deputy were accused today by Walter Irvin of shooting him and killing a fellow Negro prisoner without cause.

Irvin said Thursday night Deputy James L. Yates shot him while he lay wounded on the ground after McCall fired two bullets into him.

He related Yates shot him in an effort to make sure he was dead.

IRVIN IS a defendant in a rape case. Samuel Shepherd, also charged in the same case, was killed Tuesday night while he, and Irvin were being returned from the state prison at Raiford.

McCall said he shot the two Negroes when they "jumped" him and tried to escape when he stopped to inspect a faulty tire. Yates said he had no comment.

The two Negroes were being taken to Tavares for a hearing in connection with a re-trial on charges they raped a farm wife in July, 1949.

Church Council asks inquiry in shootings

ATLANTA, Nov. 28 — (AP) — The general board of the National Council of the Churches of Christ in the U. S. A. today asked for a full-dress federal and state investigation of the shooting of two Negroes by a Florida sheriff.

Meanwhile, troubled Protestants from the grass roots, in another meeting, concluded generally that Christians do not practice what they preach.

With almost one voice, the "little folk" in church work cried for more militancy in a series of open forums.

They had gathered from 10 Southern states about 800 strong for the convocation of the national council which began last night and ends Thursday.

THE GENERAL board, meeting simultaneously, directed the council's president, the Rt. Rev. Henry Knox Sherrill, of Greenwich, Conn., to ask U. S. Atty. Gen. Howard McGrath and Florida Gov. Fuller Warren to investigate the shooting recently in Lake County, Fla., of Samuel Shepard and Walter Irwin. Shepard was killed and Irwin critically wounded.

Both Negroes were shot while handcuffed together and in the process of being removed from one jail to another. Sheriff Willis McCall claimed they attacked him in an escape attempt.

Sherrill's letter commented that the U. S. Supreme Court recently had ruled both Negroes had been unfairly convicted of rape.

"Under these unusual circumstances we urge the Department of Justice and the State of Florida to investigate fully every fact pertinent to the event. . . . Justice for all men before the law is the foundation stone of our democracy."

A coroner's jury refused to indict the sheriff after the shooting.

THE BOARD also appointed a six-man committee to mobilize public opinion against the appointment of President Truman of an ambassador to the Vatican. Dr. Franklin Clark Fry of New York City, president of the United Lutheran Church in America, was named chairman.

Speakers in the forums suggested repeatedly that perhaps one of the great faults of America today was the absence of any militant stand.

On none of the great questions confronting America today, they said, have the churches given them a clear course based on Christian faith by which to steer.

"Religion is not a luxury we can forego—it is the most desperate necessity of our lives."

Bishop Arthur J. Moore, president of the Methodist Council of Bishops, made that statement last night at the opening session.

FIGHTS DIXIE RULING— Fined $65 on charges brought against him by a Tampa, Fla., policeman, Air Force Lt. Albert Whiteside's case will be taken to a higher court, the Florida NAACP has announced. Lt. Whiteside was charged with assault and battery, resisting arrest and careless driving. He is stationed at McDill Air Force Base.

Fatally Shot By Policeman

A 25-year-old Negro who police said resisted arrest by Negro Pfc. James E. McKinney died Sunday at Grady Hospital with three bullets in his abdomen.

McKinney said the man, identified as Grady Roosevelt Davidson of Ball Ground, Cordele and Union City, attacked him after he had found an illegal knife on his person.

The arrest and shooting was at the corner of Decatur St., S. E. and Ivy, S. E. at 8:30 p. m. Saturday, police said.

McKinney said Davidson tried to take his policeman's pistol and after struggling he shot in self-defense.

porters.

Police investigators said yesterday they were seeking relatives of the deceased man. His body was placed in the Grady hospital morgue, pending final investigation.

Meanwhile, Detective-Lieutenant Bullard of the homicide squad, disclosed that a coroner's inquest will be held to inquire into the facts surrounding the death of the laborer.

The Fulton County Coroner's Office said a date would be set for the hearing and announced later.

Man, Shot By Police Dies

Grady Davidson, 35-year-old railroad section hand who was shot Saturday night while resisting arrest on a charge of violating the knife ordinance, died at Grady hospital 10:33 A. M. Sunday, homicide detectives reported Monday.

Davidson, who witnesses said mauled Patrolman James D. McKinney near a police call box on the corner of Decatur and Ivy Streets, gave three places as his home: Cordele, Union City and Ball Ground, Ga.

He was shot three times in the lower region of his stomach during a violent scuffle, according to police reports.

See Editorial, "A Policeman in the Shadow of Death," on page six.

Several witnesses, interviewed by two Atlanta Daily World reporters, Detectives L. T. Bullard, Jimmy Helms and W. M. Holland, said Officer McKinney was mauled in the street for some time before finally firing three shots.

Witnesses said the battle was broken up when Davidson attempted to get away after he was shot. He reportedly dashed across the street to a theatre and collapsed at the doorway.

At Grady hospital's emergency clinic lying strapped to a table, Davidson, with three bullet wounds in his stomach, was conscious when reporters reached the hospital. He talked several minutes with Lieutenant E. B. Brooks, commander of the Negro patrol division, and re-

A Policeman In The Shadow Of Death

Policeman James D. McKinney, on patrol duty alone in the crowded area near Decatur and Ivy Streets, was attacked Saturday night by a railroad laborer who was under arrest for carrying a switchblade knife, (violating the knife ordinance).

The officer, according to several witnesses interviewed by two Atlanta Daily World reporters, put an end to "the rough going over" when he finally fired three shots which later proved fatal to the 35-year-old worker, Grady Davidson, of Cordele, Ga.

While the evidence tends to commend Patrolman McKinney for showing unusual patience and courage, with an unruly prisoner, we are more mindful of conditions which gave rise to this incident.

A survey of crime in Atlanta, previously reported by the World, reveals what every interested person knows — that the general area in which the incident took place is known for vice and violence.

This brings to mind a question: Why was only one policeman patrolling this area? Until recent months the policy has been to have patrolmen to work in pairs. We think this old policy should be restored at once. Where there is only one officer in certain areas there are types of persons who don't realize the folly of resisting arrest.

One obvious answer is that the Negro police unit is not operating at full strength. Although a 12-man complement is authorized, the patrol division has only nine men on the force.

The remedy, in part, is to fill the three vacancies. The next step is to hire more Negro policemen. Such a decision, based on past performance, would indeed be a wise one. Negro officers have done their jobs well from every viewpoint, according to the Atlanta Police Department 1950 Annual Report.

We regret that a human life has been loss as a result of an action of self-defense and upholding of the law but under the reported facts there seems to have been no alternative in this recent case.

Man Shot Three Times Resisting Arrest Here

BY ROBERT E. JOHNSON AND GEORGE COLEMAN

A Georgia laborer — who reportedly attempted to overpower a police officer who had arrested him on Decatur Street — lost a brief encounter Saturday night and was admitted to Grady Hospital with three bullet wounds in the lower region of his abdomen.

Patrolman James D. McKinney, who patrols the Decatur Street region between the hours of 6 P. M. and 2 A. M., said he shot the man after vain attempts to hold him under arrest until the patrol wagon arrived.

A host of witnesses stated that McKinney was mauled in the street for some time before finally firing the three shots.

The man was listed by police as Grady Davidson, alias Roosevelt, age 35. Questioned at Grady Hospital, he told Lieut. Brooks that his home was in Cordele, Ga., and that he worked as a railroad section hand. He also said that he lived in Union City, and was helping erect a building in Augusta, Ga.

The brief battle reportedly climaxed when Davidson attempted to get away after he was shot, dashing to the Strand Theatre only to collapse at the doorway.

Patrolman McKinney's uniform revealed a rough "going over" when he entered the Atlanta Police station. His shirt was slit from shoulder to waist on the left side at the back. His undershirt was torn in many places, and his pants slit down his left leg. His collar was torn open and his pants smeared with dirt.

Davidson, lying strapped to a table in the Emergency Clinic, had three bullet wounds in his stomach. He was conscious when reporters reached the hospital. He was questioned for several minutes while attended only by a hospital attendant.

At the police headquarters, Detective-Lieutenant L. T. Bullard, Jimmy Helm and W. M. Holland, homicide investigators assigned to handle the case, interviewed several witnesses.

A 50-year-old man who gave his name as J. D. Middlebrooks of 52½ Decatur Street, S. E., told detectives that Officer McKinney shot the itinerant railroad section hand during a heated scuffle.

In a signed statement, Middlebrooks said "the man who was under arrest kept trying to get the policeman's gun."

While grappling, the officer and Davidson reportedly fell down. Davidson was said to have rolled on top of Officer McKinney. "Then he got up and threw the policeman down," Middlebrooks said. "He pulled the policeman's shirt over his head. The policeman got out his pistol and shot four times." Three of the bullets took effect, the witness said.

Several other witnesses gave basically the same version of the fracas and tended to uphold the officer's action.

Lieutenant Bullard commended Officer McKinney's conduct, noting that he displayed unusual patience with the unruly prisoner before resorting to the only defense he had left.

Officer McKinney said the railroad laborer attacked him after he had arrested the suspect for violation of the knife ordinance. Displaying the deadly switch blade knife which was reportedly in possession of the suspect, the officer said he will also book Davidson on charges of resisting arrest and assaulting.

Ten Killed In Less Than Two Years

In just one and a half years—1950 to July 5, 1951—ten Negro citizens in Birmingham, Alabama have been listed as shot down by certain members of the City Police Department. Over a period of four years, the figure runs to approximately 26. Let us look at the record for 1950 and 1951.

	VICTIMS	DATES	Alleged Officers Involved
	1951		
1.	EDDIE JACKSON	Jan. 10	H. B. George
2.	ALFRED CARTER	Feb. 11	Q. R. Trott
3.	EDWARD FORD	March 26	H. T. Barron
4.	VERNON KIDD	May 28	Roy Massey
5.	TOM PATTERSON JR.	July 4	R. F. Watson
	1950		
1.	EUGENE H. BURKE	Feb. 9	J. A. Hale
2.	CHARLES HOWARD	March 18	J. E. Lambert
3.	RAYMOND SMITH, JR.	Mar. 24	R. E. Dyer, C. B. Shivers
4.	FRANK NASH	June 22	R. C. Casey, Dan Purvis
5.	FRED PERRYMAN	Dec. 19	Henry L. Darnell

Columnist John Temple Graves wrote July 9 in the Birmingham Post-Herald:

"Ridiculous as Emory Jackson's charges are, and confoundedly ridiculous as are Walter White's, too many Negroes are killed in Birmingham by police officers. We would do better to admit it and consider where the blame lies, with the police or with our Negro population."

This data can be checked against the records at either the Birmingham Police Department or the Jefferson County Coroner's office. The Birmingham World should like to see these records checked and the whole problem probed. One may check the dates of these alleged police killings against the dates of events as reported in the daily or weekly press to determine how closely they follow either happenings favorable to the Negro group or unfortunately intemperate and hostile utterances made by responsible public officials in high places.

These are not merely charges; these are the records. We have reported this shameful record because it hurts the good name of Birmingham and provides propoganda for those who do not like democracy and individual freedom. Negro and white leaders, it seems to us, should join hands to improve the relationship between the police and the Negro citizenry of Birmingham.

We are not afraid to "consider where the blame lies" as suggested by Columnist Graves. As a matter of fact, the Birmingham World has urged such a course. Nor does this newspaper make any blanket indictment of all policemen in the Birmingham Police Department. No such charge has been made by the editor of this newspaper. We have simply recited the report which by itself is an indictment.

HERE IS THE FIVE YEAR RECORD

	BIRMINGHAM	JEFFERSON COUNTY	ALABAMA
1951	5	5	8
1950	5	6	13
1949	6	10	17
1948	10	14	14
Total	26	35	52

DeKalb Police Accused In Two Brutality Suits

DECATUR — (SNS) — DeKalb Police Chief Hoyt Sutton and DeKalb County yesterday were named defendants in two "brutality" suits filed in DeKalb Superior Court.

The suits accuse DeKalb police of brutality in connection with the arrest of 19-year-old Aaron Robinson of Henry County and the alleged interference of police with Attorney Bruce Edwards, who sought to confer with his client.

Robinson's suit charged police with brutality growing out of his arrest in which he was booked with assault with intent to rape a white woman.

Robinson asked that the defendant in the suit be temporarily restrained and permanently enjoined from threatening, beating, or otherwise intimidating" him. He also asked for the right to confer with his attorneys.

The suit, filed by Robinson's attorneys, alleged he was "brutally manhandled, slapped and beaten by the officers of same county (DeKalb) and Chief Sutton ..... threatened with electrocution unless he confessed to the crime .... beaten with a flashlight."

Another suit filed by Attorney Edwards seeks $50,000 damages from Chief Sutton. He charged that when he sought to confer with his client the chief grabbed him by the arm and slung him against the wall of the door facing of the room.

The petition further alleged that when Attorney Edwards saw Robinson, the youth was pleading and crying for his life "as though his life were going to be taken if his attorney did not help."

The petition also alleged the defendant named in the suit told Robinson "that they were going to beat him all night and if he did not confess in the morning that they were going to electrocute him or 'turn him over to that mob.'"

Chief Sutton denied charges set forth in both petitions. He stated he knows nothing about interrogating Robinson and never touched him. "It's all fabrication," he said, pointing out that the lawyers "are trying the case in the newspapers and not in the courts."

Judge Clarence Vaughn set a hearing of the petitions today at 11 A. M. He signed a temporary restraining order enjoining the defendants from "threatening, beating or otherwise intimidating" the petitioner and from interfering with Robinson's rights to confer with his attorneys.

Suits Charge Cop Brutality

DECATUR, Ga. — Two suits charging brutality on the part of DeKalb police in the arrest and holding of a Negro prisoner were filed last week in Superior Court.

Aaron Robinson, charged with assault with intent to rape, brought one suit, naming DeKalb County and Chief of Police Hoyt Sutton as defendants.

Bruce Edwards, Robinson's attorney, brought the other suit for $50,000, claiming Chief Sutton interfered with his conferring with his client. The lawyer alleges the chief attacked him as he sought to talk with Robinson, whom he said was crying, shaking from head to foot and begging and pleading for mercy, with blood running from the corner of his mouth. Chief Sutton denied any brutality.

When Robinson resented the epithet along with his companion Johnson, police were summoned. The officers took Robinson into custody, blows being passed, according to reports.

When Johnson asked why Robinso was being arrested, he was taken into custody. Police Lieut. B. B. McGahee was the officer listed in the arrests. It was claimed Johnson interfered with the arrest of Robinson.

In court, Recorder Roy R. Rhodenheiser Jr. fined Robinson $26 or fifty-two days in jail for disorderly conduct and $21 or sixty days for resisting arrest. Johnson was fined $26 or fifty-two days for interfering with police.

JUDGE'S REMARKS

The judge released the men from the penalties, telling them they should be proud of their race. Robinson told the judge they were proud of their race, but objected to being called "n——r's."

The bus driver in the indicdent was listed as R. O. Sanders of Macon.

Cops Beat GIs After Race Slur

MACON, Ga.—Because they objected to being called "n——r's," two soldiers reportedly were struck and arrested by Macon police last week. In court they were fined and given alternative sentences, the judge later suspending the penalties and freeing the men to go their ways.

Pvts. Roy Robinson of Montgomery, Ala., and John H. Johnson of Greenville, Miss., were the victims of the mid-South abuses. Both were stationed at Camp Gordon, Ga., and were en route home for thirty-day furloughs before being shipped overseas.

DRIVER USED TERM

Robinson had asked about bus schedules, reportedly being given short answers by a resentful bus driver. The driver is said to have questioned why he had "to explain everything to a n——r?"

13e 1951

Indiana

Report Negroes Beaten, Slugged By Ind. Police

CHICAGO —(ANP) The Chicago Branch NAACP and NAACP Regional Secretary Lester Bailey are frantically searching for nine Chicago Negroes involved in a reported race riot in Ridgeville, Ind., about 200 miles from Chicago.

According to the NAACP official, these Chicagoans were among members of a road gang of the Pennsylvania Railroad beaten and slugged by Indiana state police, held a number of hours in jail, and later released as a result of an interracial fist fight in a railroad work camp.

Bailey was notified of the violence by Glen Spears of Richmond, Ind., about 23 miles from Ridgeville. Spears had noticed that a truckload of Negroes apparently had been in trouble. He tried to talk to a group to find out the trouble, but was shooed away before he could find out too much.

Here is his story:

A Negro owed a white cook some money. Somehow, after the payoff, they got into a fight with the colored man winning. As a result, state police were called in. Officers did not investigate the trouble, but started to beat heads, mostly Negro.

There were 140 men in this gang, but the day after the battle, every one had disappeared. This all happened, Wednesday, Oct. 17. At this point, the NAACP was notified of the incident.

Bailey wired W. H. Mapp, a road official of the Pennsylvania RR in Columbus, O., for information concerning the men involved. Carr answered Friday, Oct. 18 with a message that all the men involved have been fired. He gave Bailey the following names of Chicagoans involved:

W. Parker, A. Jackson, J. Reed, C. Glenn, L. Briggs, R. R. Carr, H. Taylor, R. Davis, and Dock Menize. The NAACP has been trying to catch up with these men, but has not as yet reached any of them.

No person with first hand knowledge of what happened in Ridgeville has been found-at least no one who is willing to talk. All that is known is that some Negroes were beaten up, and that no one involved has been willing to talk about it.

Bailey announced the following plans to gain more details on what happened:

There will be a series of radio announcements asking for these men to report to the NAACP and tell their stories. In Richmond, Ind., he has called an attorney for the local branch NAACP to inform these men of their rights if they should come to him for help.

He will continue to seek information from the railroad company involved. Finally, he may see what federal action may be possible in this case.

k FBI to Probe Man's Case

Says La. Cop Knocked Eye Out With Billy

NEW ORLEANS—Jobless and without funds, James Chatman, 31, formerly a cane-loader on the Kraemer Plantation, two miles from Franklin, La., told the NAACP and the FBI here Feb. 1, that he had been brutally beaten and his left eye knocked by two white policemen in Franklin, La., last Nov. 1. Chatman, his wife, Mrs. Orelia Chatman, and 10-year-old daughter, Celia, came to New Orleans several weeks ago.

Failure of the FBI to act on Chatman's case was disclosed last week when Attorney Edwin I. Mahoney told The Courier that he had reported the incident to that agency and to the U. S. Attorney here several weeks ago.

DESCRIBES INCIDENT

Chatman, with his eyeless socket still inflamed and sore, declared that he and two friends, Frank Allen and Clarence Verdun, went to a salon in Franklin, La., Nov. 1, about 2 P. M., and purchased a half-pint of gin which they drank.

Allen summoned a taxicab from the Haydel's Yellow Top Cab Company, Chatman said, which was operated by a white driver. They had ridden to the home of Allen's sister where they saw a police car parked, he said, and Allen and the cab driver dismounted and entered the house.

"Clarence Verdun and I stayed in the cab," Chatman said. "When the cab driver and Frank Allen did not return immediately, I honked the driver's horn. Just then a policeman, Jerry Jerwire, (I am not sure of the spelling) came to the cab and told me, 'N——r, don't you know that is a white man you're blowing that horn for?'

"I replied, 'Well, he's a taxi driver.'

"He told me, 'You're too d——n smart' and said he was going to take me to jail. He pulled me from the cab."

STRUCK IN EYE

Chatman said he protested being arrested because he had committed no offense and the officer struck him in the face and ordered him to shut up.

Following his arrest, Chatman was taken to the police car. His story continues:

"The officer struck me again in the face and told me to go and get in the police car. When I was near the car, he struck me in the face again and I raised my arms to protect my face.

"He told me, 'N——r, I don't want to shoot you, go ahead and get in the car.'

"As I placed my hand on the side of the car to get in, another policeman, Howard Rouchel, came up and struck me in the left eye with his billy. I fell in the car. I cried out, 'Oh Lord! You all have knocked my eye out!'"

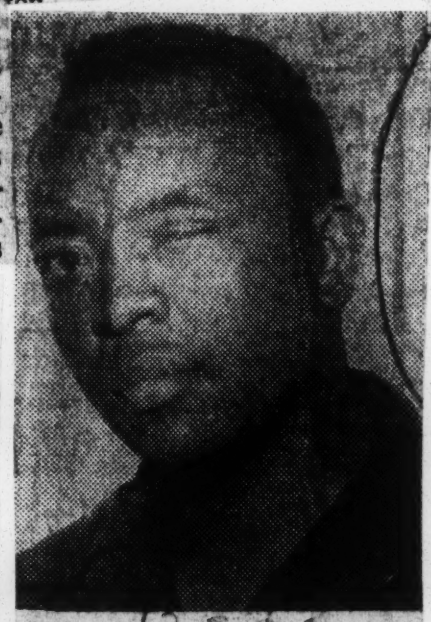
NOT TAKEN TO JAIL

Chatman said the officers took him to Dr. Aycock's Clinic in Franklin, La., but no doctors were in, and the nurse gave him a hypodermic. The doctors came in late that afternoon.

"I told Dr. Daspit what had happened," Chatman said. "He examined my eye and said he would have to remove it the next morning. My eye was removed Nov. 2, 1950. I remained in the hospital 11 days. I was never rearrested, nor was I ever taken to the jail."

Chatman said he remained in Franklin twenty-two days, then left after Walter Senitt, superintendent of the W. P. Foster firm for which he worked, informed him he was wanted at the courthouse.

The New Orleans NAACP forwarded a copy of Chatman's statement to the national office with the request that the matter be taken up directly with the Department of Justice in Washington.



Police Victim— James Chatman, 31, canefield worker of Franklin, La., told the NAACP and the FBI in New Orleans last week how he was brutally beaten and his left eye knocked out by policemen in Franklin, La., last November. With his wife and child, Chatman has been unable to find employment and is without funds.—Porter Photo.

PROBE OF BEATING OF VET CONTINUES

Testimony is expected to end Friday in a hearing conducted by the Jefferson parish sheriff's department in Gretna into the beating of Sgt. Albert W. Gros, 22, of Gretna, a Korean war veteran.

Deputy sheriff John Faulkner, chief of the criminal division, is conducting the investigation, which began Wednesday. He said that about 15 persons will have been heard during the three-day probe.

Gros, who was arrested in a Westwego night club Monday night, is in the Camp Leroy Johnson hospital for treatment of multiple lacerations but remained under charges of resisting arrest, destroying public property, disturbing the peace and assault on an officer.

Faulkner said that members of the Army's civilian intelligence division are helping in the investigation.

Gros was arrested while he and some friends were celebrating his return home from the war zone. Deputy sheriff Paul Farrington, the arresting officer, said he received a complaint that the soldier was trying to start a fight in the night club.

Farrington said that Gros kicked him while they were on the way to the Gretna jail in a police car. The investigation began on the insistence of Gros' companions who charged that he was beaten by deputies.

Negro in vote suit is slain by deputy

OPELOUSAS, La., Nov. 19—(AP)—A Negro seeking Federal Court action for the right to vote was shot to death during a fight with a deputy sheriff.

Sheriff Clayton Guilbeau identified the man as John Lester Mitchell, 33, and said he was shot by Deputy Sheriff David Lanclos yesterday.

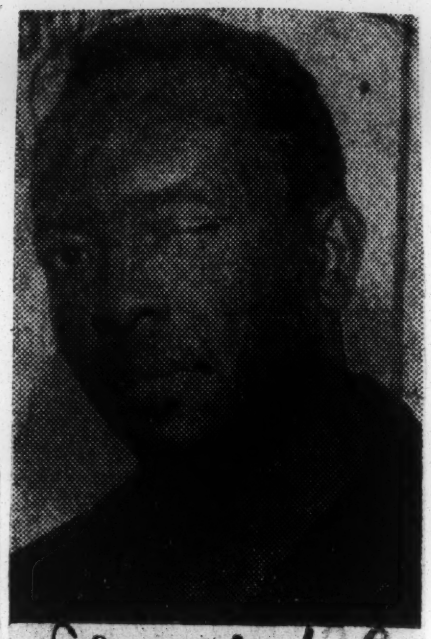
Guilbeau said the shooting occurred this way:

Lanclos, assigned to keep order in Negro night spots, found Mitchell "acting rowdy and out of control" at "The Chicken Shack." He ordered Mitchell to leave.

A scuffle occurred. Lanclose, the sheriff said, fearing he was about to be overpowered, drew his revolver and fired.

An inquest was ordered Wednesday.

Mitchell and two other Negroes recently filed suit in U. S. District Court here asking that George Blanchard, registrar of voters, be required to allow them to vote.



Sues Police— Saul (James) Chatman, 31, of Kramer Plantation, La., last week filed in U. S. District Court in New Orleans, against the Mayor, Chief of Police and two officers of Franklin, La., seeking $20,000 damages for the loss of his left eye. Chatman charges his eye was knocked out when policemen beat him with a blackjack, Nov. 1, 1950.

La. Cop Shoots Sleeping GI

By JOHN E. ROUSSEAU

MEREAUX, La.—U. S. Army Pvt. Matthew Peterson Jr., 22, didn't have to go to Korea to be felled by enemy gunfire. A trigger-happy St. Bernard Parish deputy sheriff, wielding a blazing six-shooter, riddled Peterson as he lay sleeping in his own bed, in his parents' home, here in his own home town, Thursday afternoon, March 8.

Peterson, son of the Rev. and Mrs. Matthew Peterson Sr., was home visiting while en route from Camp Chaffee, Ark., to Camp Stoneman, Calif. He is now in the Charity Hospital, New Orleans, with six gunshot wounds in the stomach, arm and leg.

Deputy Sheriff Anthony J. Licciardi, in his report to Sheriff Celestine F. (Dutch) Rowley, admitted shooting Peterson after he accused officer of stabbing his nightstick and drawing a knife as he, Licciardi, sought to effect an arrest.

Interviewed in the Charity Hospital, Peterson told The Courier: "I came to visit my parents two weeks ago. Thursday, my girl friend and I had been down to Herman Rose's place in Sebastopol, La., drinking. I drank too much, my friends brought me home in a truck, and I went to bed.

"The next thing I knew, I was awakened by a bullet striking me. I woke up in my bed and saw Deputy Licciardi standing over me shooting me. I passed out and when I came to, I was shot six times—four times in the stomach and once each in the arm and leg."

The Courier learned that the affair began when Velma Williams, a former sweetheart of Peterson, stabbed his present sweetheart, Thelma Jones, 1725½ St. Claude Street, seven times with an icepick while Peterson lay sleeping in a back room.

Both women left the house, leaving Peterson there alone. The wounded woman was placed in an automobile to be taken to the hospital in New Orleans. The other woman left, walking to Docville, a nearby settlement.

Peterson told The Courier he knew nothing at all about the stabbing, that he only knew the deputy shot him while he was asleep and told him, "Shut up or I'll kill you."

The blood-soaked bed in the Peterson home gave mute testimony that the soldier's statement was possibly correct. Persons in the neighborhood said investigators had visited the Peterson home and had found several slugs in the bed.

Deputy Licciardi's report indicated that he had no warrant to enter the Peterson home and that he actually struck the soldier.

His report stated:

"I was at Carlo's Station about 4:30 P. M., March 8, 1951, and a car with a colored woman stopped and said she had been stabbed at Mereaux. I took her to the Charity Hospital.

"I then went to Mereaux across the tracks—I was told there the colored woman doing the stabbing was down the road—I caught up with her at Docville and placed her under arrest. I went back to the house to investigate.

"A colored man was in one room. I told him he was under arrest. He said he wasn't going—I told him he had to as all I wanted was to finish my investigation.

"I took my nightstick to tap him on his rear—he grabbed nightstick—I pulled my gun and shot at the stick and his hand—he reached with one hand grabbed my shirt just near the neck he grabbed a knife. I shoved him back and shot four times—my shot at the stick, after going through the stick, struck him in the leg.

"The colored woman doing the stabbing was Thelma Williams or Velma Williams. The stabbed woman was Thelma Jones—1725½ St. Claude.

"I arrested Melvin Peterson and Edward Peterson. The one shot was Matthew Peterson all I believe of Mereaux and Sebastopol. At 8 A. M., March 9, Charity Hospital reported Matthew not on 'DI' list and it looked like he would be all right."

The Courier learned that the Williams woman is held in the St. Bernard Parish jail under $2,000 bond for aggravated assault. The other woman was reportedly treated in Charity Hospital and released. A check disclosed, however, that there is no such number as 1725½ St. Claude Street.

Pvt. Matthew Peterson Jr. with his mother in a hospital where he is recovering from gunshot wounds inflicted by a deputy sheriff.—Porter Photo.

Peterson had been in the Army four months. He said he believed he was en route to Korea since Camp Stoneman, to which he was being transferred, is a port of embarkation.

GUARD KILLS PRISONER

Louisiana Penitentiary Death Is Being Studied

ANGOLA, La., June 27. —(AP)— A New Orleans Negro prisoner died at the state puenitentiary here Wednesday after he was shot by a Negro convict guard, Deputy Warden D. D. Bazer said.

The West Feliciana Parish sheriff and coroner were summoned for an investigation, Bazer added.

He identified the dead prisoner as Jesse Jones, 22, serving three years for burglary.

Bazer said he could give no further details at this time, except that Jones died of a high-powered rifle bullet wound after he was taken to the prison hospital.

Suspend Two Lawless Cops

Held Street Courts; Shook Down People

NEW ORLEANS (ANP) — Two white policemen, John J. Wild, and Albert J. Belland Jr., have been indefinitely suspended following a complaint of a shakedown racket in which colored people were the victims.

Police Supt. Joseph Schouering said there may be more suspensions upon completion of his personal investigation into the complaints.

The investigation was launched upon complaint of a man that police had been getting "$2 to $3 a week" to protect a colored man from a charge of carrying a weapon. He also complained that Belande struck him.

Rampart St.

The police head said that his office had taken shakedown complaints in the 200 block of South Rampart Street, most notorious block along the famous Rialto of gamblers and prostitutes.

36-Year-Old Barber Beaten By Town Marshal, Ordered To Leave At Once

A 36-year-old barber who was beaten up by the town marshall of St. Francisville, La., recently, and who was ordered to leave town, was in New Orleans Monday discussing his case with Attorney Louis Berry.

Hoffman Williams, told Attorney Berry that his former landlord, Charles William Stewart, had ordered the officer to collect his rent and light bill totaling $11. Williams stated that Stewart ordered him to move out of the establishment for which Williams had paid $7 a week as a barbershop.

Williams charged that gambling was permitted in the back of the place and that he protested to town officials. He also stated that when ordered to vacate he carried away a fan which Stewart claimed belonged to him. He stated that Stewart ordered the town marshall to pick up the fan. Meanwhile, Williams protested to the deputy sheriff. Apparently the town marshall resented Williams' actions.

He stated that he was struck with a blackjack by the officer outside of his place and fell against the front end of his automobile. The barber stated that he was knocked unconscious.

Talking to reporters here Monday, Williams stated that he was ordered out of town permanently. He is married and is the father of one child.

Williams' case is one of several rural cases of alleged police brutality in Louisiana.

Most recently another alleged case of police brutality was that of Jeff Jackson of Bogalusa, who was assaulted by officers. Jackson told Attorney Berry that he was in his back yard playing with his wife when suddenly he felt a blow from officers who had stopped apparently to see what was going on.

Taken to jail, Jackson stated that he was again beaten. He further stated that officers attempted to get his wife to file charges against him for disturbing the peace and she refused.

Jackson showed Attorney Berry one side of his head which had been caved in as a result of the beating inflicted upon him by the officers.

Jackson's case was referred to the Attorney General of Louisiana and to the Attorney General of the United States in Washington. However after the investigation was made, Washington authorities reported that there was no evidence to substantiate the charges.

Sues Mayor And Police Chief For Brutality

NEW ORLEANS — (ANP) The Mayor, William M. O'Neil and Police Chief K. H. Wright of Franklin, La., and two police officers, have been named defendants in a $20,000 civil suit filed in the federal district court here by Saul Chatman Negro, who alleged brutality.

Chatman charged that the two officers, Willie Rochel and L. A. Goir. assaulted him, deprived him of his constitutional rights and knocked his left eye out with a blackjack.

Edwin I. Mahoney, Chatman's attorney, stated in the suit that Mayor O'Neil and Police Chief Wright are responsible for the acts of the two officers who, he alleged, dragged the Negro from a taxicab in Franklin on Nov. 1, 1950 and beat him for tooting the car's horn.

After waiting for about a half hour, Chatman honked for the driver. Goir and Rochel came racing out of the house and beat him with their fists and with a blackjack "for blowing for a white man."

The victim was taken to a clinic in Franklin where 11 days he was hospitalized. Chatman was never booked or charged with the violation of any crime or misdemeanor.

Eye Knocked Out, Man Asks $20,000 Damages

A $20,000 civil suit has been filed in federal district court here against the mayor, the chief of police and two police officers of Franklin, charging that they deprived Saul Chatman, the plaintiff, of his constitutional rights and that his eye was knocked out with a blackjack in a felonious assault upon him.

The two officers named were Willie Rochel and L. S. Giroir. Mayor William M. O'Neil and Chief of Police K. H. Wright were charged as responsible for the two officers who are reported to have dragged the plaintiff from a taxicab on November 1, 1950, and beat him for tooting his horn "at white folks."

Chatman said that he was a passenger in a cab with Clarence Verdun and Frank Allen, both of Franklin, when Allen said he wanted to stop and pick up a package at his sister's home. Chatman further alleged that Verdun went into the house with Allen and after they were in the house, two officers entered.

Chatman stated that he waited about a half hour and honked the horn for the driver. He stated the two officers came and beat him with their fists and with a blackjack for blowing his horn for a white man.

The officers took him to a clinic where he was confined for 11 days. He claimed that he was never booked for violation or any crime or misdemeanor.

Louisiana

Deputy Is Beaten After La. Slaying

Daily Worker Wed. 11-21-51

District Attorney J. Y. Fontenot of Opelousas, Louisiana, said Tuesday that four Negroes, apparently revenging the killing of John Lester Mitchell by a deputy sheriff, "jumped and beat up" another deputy the next morning. The victim, Deputy Hoey Brown, had to be sent to New Orleans Charity hospital for treatment. Two of the Negroes have been apprehended. The other two are being sought.

OPELOUSA, La. — (ANP) — A Negro who less than two weeks ago filed suit for his voting rights was shot and killed, Sunday, by a deputy sheriff of St. Landry parish.

Dead man is John Lester Mitchell, 33, of Opelousas. His killer was Deputy David Lanclos who shot him at a local night spot, supposedly after he became 'rowdy."

Mitchell, along with Joseph Joubert and Joseph George Donatto Sr., was a plaintiff in a suit against George C. Blanchard, registrar of voters for St. Landry parish, in which they charged they were not allowed to register because they were Negroes.

Sunday's shooting appeared to Negro observers in this parish to be another of a long series of brutalities by parish officials against Negroes who demand their constitutional right to vote.

Speaking for Lanclos, Sheriff Clayton Guilbeau said his deputy shot the Negro in self defense during a fight with him. Here is what the sheriff says was the story:

"While Deputy Lanclos was at a Negro night spot to help maintain order, Mitchell began to act rowdy and out of control. The deputy ordered him to leave. As they reached the outside of the building they began to fight.

"Afraid that he would be overpowered, Lanclos drew his revolver and shot."

Only two weeks ago, Alvin Jones one of eight Negroes beaten up a year ago because they wanted to vote, died at a government hospital in New Orleans as a result of the beating.

Eight men tried to register in the summer of 1950, and instead of the right to vote, the men received brutal batterings. Jones never recovered from the whipping he received.

An FBI inspection revealed that two of the suspects were deputy sheriffs of St. Landry parish.

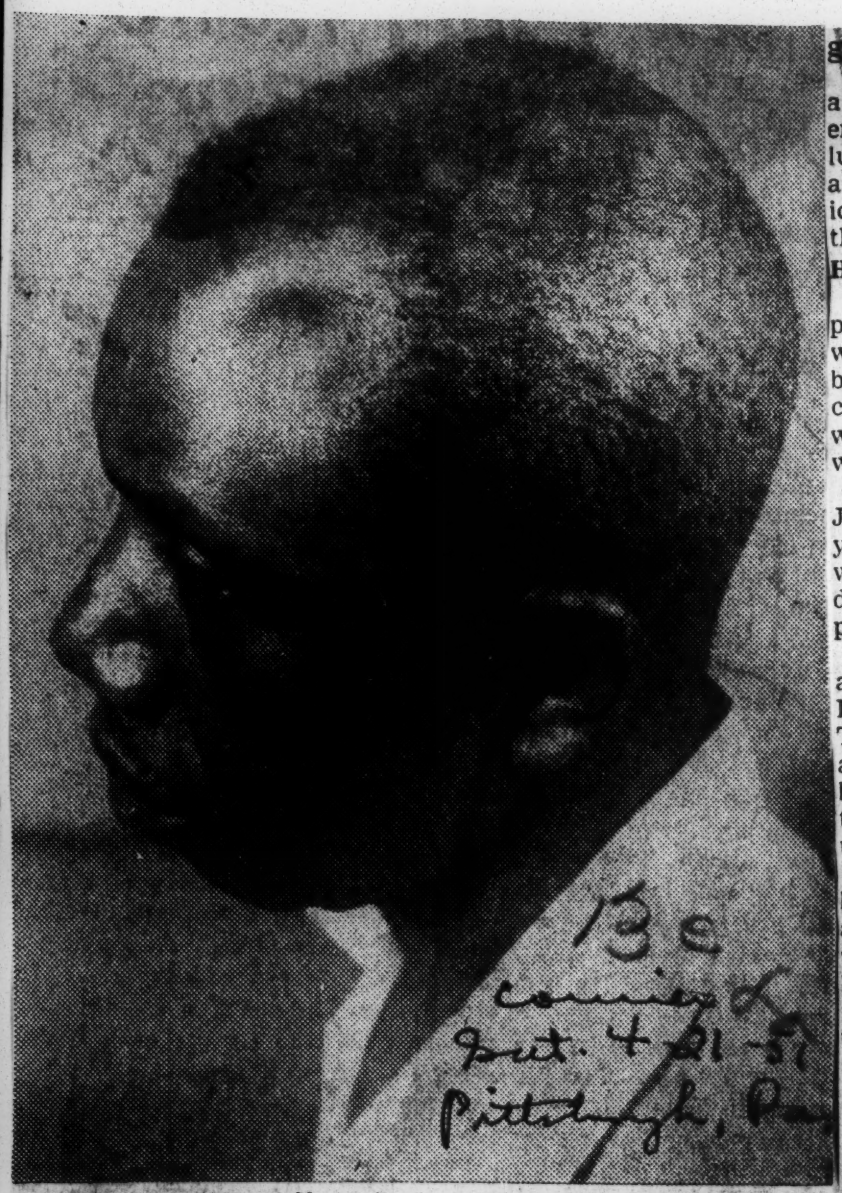
It is said that not one Negro is registered to vote in this parish The registrar uses three sections of the Louisiana voting law to keep colored persons from registering sections 35, 36 and 37 of title 18 of the Louisiana revised statutes of 1950. They require for registration

Ability to read and write any clause in the state or federal constitution and give reasonable interpretation.

Give reasonable interpretation of either constitution when it is read to them in case the voter cannot read or write.

Must be able to positively identify themselves with the additional factor that the registrar "may require the applicant to produce two registered voters of his precinct to make oath to that effect."

In their suit, the three Negroes claimed that these sections violate the 14th and 15th amendments of the federal constitution.



POLICE VICTIM—Jeff Jackson, a 44-year-old World War II veteran of Bogalusa, last week told the Courier he was beaten into insensibility by policemen in his hometown Dec. 2. In the above picture is shown a frontal depression in Jackson's forehead which he says was caused by the law officers' brutality.—Porter Photo.

NAACP Seeks Probe Of Cases by U. S. Dept. of Justice

By JOHN E. ROUSSEAU

NEW ORLEANS—Police brutality, long a scourge of Negroes in Louisiana's rural districts, cropped up again in the widely separated St. Landry and Washington Parishes. The New Orleans NAACP, last week, referred two cases to the Department of Justice, Washington, D. C., and to Attorney General Bolivar E. Kemp, Baton Rouge, for investigation.

The two victims, Jeff Jackson, a 44-year-old World War II veteran, of 614 Fourth Street, Bogalusa, and Freddie (Oland) Thomas, 45, of 310 North Street, Eunice, named police officers as their assailants.

HEAD BASHED IN

Jackson, who bears a deep depression in his left forehead which he says resulted from a blackjack whipping by police, came to the Courier office last week and made a statement. He was taken to the NAACP.

"My wife, Mrs. Kara McGee Jackson, and I were in the back yard of our home playing. She was laughing out loud, Jackson declared. "Two policemen happened along.

"They came in our yard, walked around to the rear of the house. I was standing near the gate. They grabbed me by the collar and began beating me over the head, without asking any questions. They beat me with a billy until I fell to the ground.

"They told me not to get up. Both of them stooped over me and continued the beating until I was almost unconscious. My wife became frightened and ran into the house. One officer asked her to make a charge against me but she refused."

FINED $10

Jackson said he and his wife were taken to jail. He said everything seemed hazy to him and that he was unable to talk. The officers slapped and kicked him while in the station, he declared, and charged him with being drunk, disturbing the peace and resisting arrest. Mrs. Jackson, he said, was charged with disturbing the peace.

Mrs. Jackson was held in jail thirty minutes, said Jackson, who declared he was released about 1:30 o'clock the next afternoon.

"I went home and was confined to bed for thirteen days with the exception of the times I got up to go to the doctor and to court. I was treated by a Dr. Crane.

HAD NO LAWYER

"I went to trial Dec. 11 before Judge A. J. Jones. One officer said he smelled whisky on my breath but that I wasn't drunk. He said he didn't see me hit my wife. The other said he didn't hear any curse words uttered and he didn't see me hit my wife.

"I didn't have a lawyer. Judge Jones asked what I had to say. I told him the policemen had jumped on me and beat me. He turned to the clerk and told her I was fined $10 and costs or would serve fifteen days in jail. I paid $10 fine and $3 costs. My wife was acquitted.

ACCUSES POLICE CHIEF

Thomas, in a statement to the NAACP, March 27, declared he was beaten with a club by the chief of police in Eunice, Saturday, March 17.

"I was helping my brother-in-law, Joe Allyson, to start his automobile which was stalled, about 5:30 that morning," Thomas said. "I was pushing his car with mine and the bumpers got hooked. The chief of police came up and inquired what had happened.

"He said I must have been drunk. I told him I wasn't drunk, that I had just gotten out of bed to help my brother-in-law. He then said I was drunk and took me to jail."

Thomas said his wife, Mrs. Viola Thomas, went to the police station about 3:30 o'clock the same afternoon and paid a Mr. Frugi $25 to have him released. About 6:30 o'clock the same day Thomas related, the chief of police released three white persons but said nothing about releasing him.

DESCRIBES BEATING

"I asked the chief when I was going to be released because my wife had paid Mr. Frugi my fine. He told me 'next week sometime'," Thomas said.

"About 7 o'clock I heard the chief tell Mr. Ben, a deputy, to come and get me. Mr. Ben opened the cell door and I started to walk out the back door. Mr. Ben told me the chief wanted to talk to me.

"I told Mr. Ben the chief didn't have any talk for me because my fine was paid. I went to see what the chief wanted."

Thomas said the chief cursed him, accused him of having been drunk, then beat him in the face, head, mouth and body. He said he fell to the floor and when he arose the deputy shoved him into the door.

Thomas said he was treated by Dr. J. T. Thompson, 102 Park Avenue, Eunice, who referred him to the Charity Hospital here where he is still being treated.

In letters to the Attorney General of Louisiana and the Department of Justice, Washington, D. C., last week, the New Orleans NAACP asked for complete investigations of both cases and the punishment of all persons guilty of depriving others of their constitutional rights.

Two Policemen Suspended After Shakedown Of Negroes

NEW ORLEANS, Sept. 3—Two white policemen, John J. Wild, and Albert J. Bollande Jr., have been indefinitely suspended following a complaint of a shakedown racket in which Negroes were the victims.

Police Supt. Joseph Scheuering said there may be more suspensions upon completion of his personal investigation into the complaints.

Scheuering stated that the investigation was launched upon complaint of a man that police had been getting $2 to $3 a week, to protect the Negro from charge of carrying weapons. He also complained that Belande struck him.

The police head said that his office had taken the shakedown complaints in the 200 block of South Rampart Street, most notorious block along the famous Rialto of gamblers and prostitutes.

A check of the street by newsmen disclosed that the above named police have created a reign of terror [illegible] a number of months, actually picking pockets of people on the street and holding kangaroo courts along the sidewalks. It is a known fact that women prostitutes were forced to pay off in order to carry out their nefarious vocation.

A Negro prostitute caught in her lair with a customer, was obliged to pay the officers $15, and given 30 minutes to get $25 more. Unable to get the amount demanded, the woman fled to Rampart street for another section of the city where she might work unmolested.

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2nd Figure In A Court Case Slain

OPELOUSAS, La.—The slaying here of a second important figure in a federal court action in the south last week has suggested to investigators the use of a new technique to get rid of "troublesome" Negroes.

John L. Mitchell, an insurance agent who had recently filed suit in federal court to gain the right to vote was killed by Deputy sheriff David Lanclos less than a month after the slaying of Sam Shepherd in Florida.

Shepherd, whose conviction of a rape charge had been set aside, was on his way to a new trial ordered by the U. S. Supreme Court when he was shot to death by Sheriff Willis McCall.

In both cases the peace officers claimed they fired in self-defense and were subsequently cleared by a coroner's jury.

Investigators who have studied circumstances in both killings believe that the old Dixie pattern of rounding up a mob for a lynching is giving way to a one-man lynching by an authorized peace officer on a flimsy excuse.

Use of this new technique removes the killings from the category of lawless mob action which is condemned even in the South, to an official police action which can be defended by the local government as legal.

Mitchell's killing is the climax of a long drawn out battle by Negroes of St. Landry parish here to secure the right to vote.

Alvin H. Jones, of New Orleans died recently after he was attacked and beaten when he led a group of Negroes to the courthouse here to be registered as voters.

Observers say the Opelousas section is seething with tenseness and another incident may set off an explosion in race relations unprecedented in Louisana history.

Deptuy Lanclos, acting as a "bouncer" in the Chicken Shack, the night club in front of which Mitchell was shot through the head last Sunday, was exonerated at a coroner's inquest Wednesday, and said to have acted in the line of duty.

Lanclos said Mitchell became "rowdy," and that he was afraid the latter "would overpower him."

Mitchell, a 33-year-old World War II veteran, was one of three Negroes on whose behalf the NAACP had filed suit in Federal District court against election officials who, they alleged in their complaint, had denied them the right to register soley on the basis of their race in violation of the 15th Amendment.

The case was scheduled for Thursday, Nov. 29. George Blanchard, registrar of voters was to appear before Federal Judge Gaston L. Porterie to answer charges.

On the night following the shooting, five youths attacked and severely beat another special deputy, Noah Brown.

The five held in connection with the beating were identified as: Fred Guillory, 19; Werlin Leday, 20; Albert Dellard, 20; Lorenzo Bilbo, 19, and Leroy Citizen, 20.

Investigating the case last week were Thurgood Marshall, NAACP legal counsel; A. P. Tureaud, New Orleans attorney, and a young Opelousas attorney.

On a telegram to Atty. Gen. J. Howard McGrath, Marshall requested a thorough investigation of the incident by the Department of Justice.

Meanwhile in New Orleans, Ernest J. Wright, director of the People's Defense League, last week charged Frank Giordano, registrar of voters for the Planquemines parish, with refusing to allow Negroes to come to his residence to register.

La. Jurists Clear Deputy

Man Sued for Vote; Citizens Ask Action

OPELOUSAS, La. — A local coroner's jury ruled Friday that last week's fatal shooting of John Lester Mitchell by a white deputy sheriff was "justifiable homicide."

The jury reported that the 33-year-old Mitchell "came to his death from a gunshot wound of the heart fired by David Lanclos when Mitchell resisted arrest."

He was one of the three colored citizens who had a suit against local election officials pending in the U.S. District Court for the right to register as a voter.

Marshall Urges Action

A "thorough investigation" by the Department of Justice into the killing of Mitchell, urged Wednesday by Thurgood Marshall, special counsel for the NAACP.

Coming on the heels of the murder of Samuel Shepherd by a Florida sheriff, the killing of Mitchell has aroused bitter resentment among citizens throughout Louisiana.

"We believe this incident requires a thorough investigation by the Department of Justice," Mr. Marshall said in a telegram to Attorney General J. Howard McGrath. "If your investigation discloses a connection between the suit and Mitchell's killing, a clear violation of the Civil Rights Act would appear to have occurred.

"This incident, coming close on the heels of the killing and shooting in Eustis, Fla., warrants special and immediate attention of your office."

White Man Says He Was Beaten in Cell

BALTIMORE

Mistreatment of prisoners has not been confined to colored citizens.

John Rudolph, a white machinist of 1714 N. Washington St., told the NAACP this week that he was severely beaten by a policeman in the Northeastern station on Dec. 23.

The docket lists as the arresting officers in Rudolph's case Officers Donald Rollyson and Howard Baynes, both of whom have been suspended pending grand jury investigation of the beating of Booker Stokes of which Rollyson has been accused.

Punched in Cell, Man Asserts

Mr. Rudolph said two officers came to his home at about 10 p.m. on Dec. 23 when his wife, Mrs. Dorothy Rudolph, called them and ordered his arrest for creating a disturbance.

He gave this account of what happened in the station house:

"When the officer got me to the cell door, he punched me in the face several times. I don't know how many times, because I passed out.

"The next morning I saw that my face was practically covered with blood. I was told to wash it off before time for the trial."

Injury Attributed to Fall

The slightly-built machinist said the officer told the police court magistrate the injuries were sustained in a fall in the cell block.

Mrs. Rudolph said the officer met her when she arrived at the police station for the hearing and told her that her husband "fell in the cell block, but seems to think we hurt him."

Complaining of constant headaches, Mr. Rudolph pointed to a three-inch scar above his left eye and a bruise below the eye as "evidence of the beating."

He pleaded guilty to a charge of disturbing the peace and was fined $10 and costs by Magistrate Kozlovsky during the hearing on Dec. 24.

Brutality Victim Appeals Sentence

Afro-American Dec. 29-51

PATERSON—Frank Napier Sr., of 49 Rivert St., who was hospitalized for six days after being beaten by two members of the local police force, has filed an appeal to the County Court from a Police Court sentence of 60 days in jail and charges of assault and battery and resisting arrest.

In addition, the local Chapter of the NAACP at its next meeting will take up the case, and possibly will ask a fullscale probe of alleged police brutality.

At the same time, Samuel S. Black, of 64 Hamilton St., attorney, who represents the defendants, told the AFRO, this week, he has advised his client tto file both criminal and civil damage charges against the two officers.

Napier, along with his wife, was sentenced Thursday, April 19, by Magistrate O'Byrne. Also, the son of the defendant, Frank Jr., 13, was ordered held by juvenile authorities.

The accused officers are Patrolmen Edward McSherry and Hogan.

The developments are the result of a chain of events which followed a party Sunday night, April 15, at Napier's home.

Napiers testified in ejecting Edward Robinson, one of the party guess, he cut his hand on the glass panel of a door. He said he was enroute to the hospital when the two officers passed in a police squad car.

The officers stopped the car, he said, and asked what was the matter. The defendants said he told them he had cut his hand and was enroute to the hospital.

He said the officers then told him he was under arrest, and he asked why, adding that he had done nothing to warrant arrest.

When the officers insisted that he be taken into custody, he consented to go along with them. However, when his son, Frank Jr., insisted that the police let the elder Napier continue to the hospital, the father said the son was struck on the head and knocked down.

"I told them, 'do what you will with me; but don't hit my son,'" Napier told the court.

The father said the officers then beat him unmercifully. When Mrs. Flora Napier rushed to the scene in an effort to stop the beating, it was testified, she, too, was arrested and carried to jail in the patrol wagon.

Later Mrs. Napier, who said she had been confined to her bed ill, was convicted by Magistrate O'Byrne of disorderly conduct charges and fined $25.

Arthur Holmes, a free-lance photographer, who attempted to take pictures of the controversy was arrested and his camera confiscated. Mr. Black says the camera has not been returned.

The lawyer said further that neither the father nor son has ever been arrested before. The Napirs have resided in Patrson for approximately 10 years.

In their own defense, the officers said the father and son were abusive and used profane language to them. They added that the blows were administered in self-defense.

Among witnesses who testified for the Napiers were Mrs. Robert Covington, Mr. and Mrs. Edward McRae, Miss Esther Napier, Mrs. Beatrice Brown and Mrs. Arthur Holmes.

Sunflower Jury Indicts Ex-Deputy, Detective In Beating Of 4 Negroes

INDIANOLA — (AP) — A former deputy sheriff and a private detective were indicted here Monday on charges of assault and battery on four persons questioned in a slaying that never happened.

Indicted were Homer Sheffield, a former deputy sheriff, and Charles R. Underwood, a private detective.

They are charged with assault and battery on Jesse James, Jr., Amos Redmond, Jesse Davis and Will Galloway, four Negroes questioned about the reported death of Robert McKinney.

The first three confessed slaying McKinney but McKinney was later found alive in East St. Louis, Ill.

Sheffield was freed after posting $500 bond. Underwood is in Chicago where he was extradited some time ago to face a probation violation count.

Arraignment of the two men has been set for next Wednesday in Sunflower county circuit court.

Last week the grand jury reprimanded Sheriff George S. Marshall for being "derelict in his duties" in connection with the case.

The jury said that if any misconduct took place in the jail, "the sheriff, although not criminally responsible, has done a great disservice to the people of his county."

SHERIFF ROBERT E. LEE

4 PIKE OFFICIALS, SHERIFF INDICTED

Depriving Negro of Constitutional Rights Is Charge

(The Associated Press)

Jackson, Miss., Aug. 31 — Sheriff Robert E. Lee and four other Pike county officers have been indicted on a charge of depriving a Negro of his constitutional rights.

US commissioner Barron Ricketts said here the five officers were indicted about three weeks ago by a Vicksburg, Miss., federal grand jury. He said they appeared before him Friday to post $1000 bond each. Arraignment is scheduled here in November, Ricketts added.

Others named in the indictment were:

Deputy sheriff Andrew Jones of McComb, Miss.

Nolan Wall, county highway officer and constable of Osyka.

Deputy sheriff Frank Smith of McComb.

J. J. Monfourt, county highway officer and constable of McComb.

'Rights Deprived'

The federal warrant here said they were indicted on a charge of "conspiracy to deprive Murray Gray of his constitutional rights."

Last summer, the 23-year-old Magnolia, Miss., Negro was arrested in connection with a robbery at the filling station which employed him. After reports were published that Gray had been beaten, the McComb Enterprise-Journal, in a front page editorial, called for an investigation.

A committee of white citizens from Magnolia, headed by J. B. Lampton, conducted an inquiry. They visited Gray at the Walthall county jail in Tylertown, Miss., where he had been removed, and reported they found Gray "was in need of medical attention."

Gray was later released from jail after another Negro was arrested in connection with the robbery. He was drafted later, according to reports, and is now serving in Korea.

Committee Formed

After the Enterprise-Journal editorial appeared, a group of McComb church women formed a committee to make monthly inspections of jail conditions.

The presidents of about 22 women's clubs in Magnolia called a meeting and adopted a resolution scoring the incident.

Lampton Reed of Tylertown worked with the Magnolia committee which examined Gray. Other members of the group were A. B. Cutrer, W. L. Kennedy and R. M. Prescott.

The Enterprise-Journal editorial, signed by publisher Oliver Emmerich, appeared July 13, 1950 and said in part:

"This is a case of a prisoner alleged to have been cruelly mistreated. Now it is officially reported that another prisoner is being sought for the crime."

"This is not typical American justice and there is no way of rearranging the circumstances to make it just."

Indictment papers were dated Aug. 17. but federal Judge Sidney Mize withheld arrest warrants until Aug. 28, the date of Mississippi's second Democratic primary.

The indictment charges that on July 3, 1950, the five officers took Gray to a wooded area west of Magnolia and "with leather strap, switches and other weapons did intimidate, strike, bruise, batter, beat, injure, torture and assault said Murray Gray with the intent illegally to extort a confession from him.

It said on the same day, it added, Gray was beaten again.

Two counts—conspiracy to deprive Gray of his constitutional rights and actually depriving him—name all five officers. The third count, also of depriving Gray of his rights, named only Lee Jones and Smith.

Sheriff Cleared After Killing Negro Prisoner

LUCEDALE, Miss., Sept. 17—(DSN) — George County Sheriff W. D. Beary was exonerated here today following a coroner's jury investigation, following the killing of a Negro prisoner, who the Sheriff is reported to have shot to death in the county jail Saturday night.

According to the jury report which was impanelled by Justice of the Peace C. H. Harvard, the Negro prisoner, J. C. Walls, was shot to death by the Sheriff after he had overpowered and taken the keys from jailer Steve Booth.

The sheriff testified that he shot the Negro prisoner in self-defense who attempted to attack him after taking the jailer's keys.

According to the jury report Walls was serving a sentence in the county jail for resisting arrest.

The verdict of the jury was that there was not enough evidence on which to base a charge against the Sheriff.

SHERIFF REPRIMANDED IN NEGROES' BEATING

Sunflower Grand Jury Finds Him Derelict In Duties—No Indictments Bared

Special to The Commercial Appeal

INDIANOLA, Miss., Sept. 7.—The Sunflower County Grand Jury Friday reprimanded Sheriff George Smith Marshall for being "derelict in his duties" but apparently cleared him of any criminal charges in the beating of four Negroes in the Sunflower County jail.

It reported that if any misconduct took place the sheriff, although not criminally responsible, has done a great disservice to the people of his county."

Names Are Awaited

The grand jury report did not indicate whether any indictment had been returned in connection with the beatings. They returned six true bills but names of persons charged in connection with the beatings will not be released until arrests are made.

The grand jury's report on Sheriff Marshall's connection with the case read as follows:

"Your grand jury made a full investigation of alleged recent mistreatment of prisoners in the Sunflower County Jail. While we believe the facts do not warrant a criminal charge against the sheriff individually, we further feel that he was derelict in his duties in not supervising an investigation in which a special investigator was employed, and that if any misconduct took place during the course of the investigation, the sheriff, although not criminally responsible, has done a great disservice to the people of his county."

The report was signed by C. M. Dorrough of Ruleville, grand jury foreman.

Beatings Investigated

The grand jury conducted an investigation into the beatings administered to Amos Redmond, Jesse James Jr., Jesse Davis and Willie Galloway, in extracting murder confessions from three of them in July.

Later, the supposed murder victim, another Negro, Robert McKinney, was found alive and unharmed in East St. Louis, Ill.

Under fire in the case are former Deputy Sheriff Homer Sheffield and private investigator Charles R. Underwood of Cleveland, Miss. Deputy Sheffield was relieved of his duties Aug. 1 by Sheriff Marshall and Underwood has been returned to Chicago to face charges as a parole violater.

Underwood was called into the case by Sheriff Marshall, who said he was busy with other duties.

No charges had been placed in connection with the case prior to the meeting of the Grand ury. Dist. Atty. Stanny Sanders presented facts in the case after an extensive investigation by his office.

Officers Who Beat Pike County Negro Must Face Trial

Pike County Sheriff Robert E. Lee and four of his former deputies pleaded "not guilty" here Monday afternoon to charges of flogging a Negro prisoner in order to obtain a confession to a crime he did not commit. Federal Judge Sidney Mize set Feb. 4 as the date for the trial.

Sheriff Lee, Former Deputy Sheriff Andrew Jones, Constable Nolan Wall, Former Deputy Frank Smith and Constable J. J. Monfourt were arraigned before Judge Mize on charges of depriving Murry "Sunshine" Gray of his constitutional rights.

The officers were represented by several able attorneys including Ross Barnett of Jackson, Gordon Roach and R. B. Reeves of McComb.

Gray had been arrested for the

FIVE PLEAD INNOCENT OF BEATING PRISONER

Mississippians Will Be Tried Feb. 4 In Negro Flogging

JACKSON, Miss., Nov. 5.—(UP)—Five Pike County, Miss., law enforcement officers pleaded innocent Monday of charges that they flogged a Negro prisoner in an attempt to get him to confess a crime he did not commit.

Federal Judge Sidney Mize set Feb. 4, 1952, for their trial.

Pike County Sheriff Robert E. Lee, former Deputy Sheriff Andrew Jones, former Deputy Frank Smith, Constable J. J. Montfourt and County Patrol Officer Nolen Wall were indicted last Aug. 31 on charges of conspiring to deprive Murry (Sunshine) Gray of his constitutional rights.

The indictment charged the officers took Gray, arrested for a filling station robbery, of which he was later acquitted, from the Pike County Jail last year, handcuffed him to a tree and "with a leather strap, switches and other weapons did intimidate, strike, bruise, batter, beat, injure, torture and assault . . . with the intent illegally to extort, force and coerce information and a confession."

The indictment charged all the men with conspiracy to deprive Gray of his constitutional rights and also charged them all with the beating. A third count named only Lee, Jones and Smith and charged that the three beat Gray at another time shortly after the first beating.

Conviction could bring a maximum penalty of one year in prison or a $1000 fine or both.

These Forced Confessions

FROM THE BLACK-DISPATCH

Governor Fielding Wright of Mississippi was reported astounded last week upon observing the tell-tale revelation that officers of Sunflower county had used cruel and unusual punishment upon four Negroes, forcing them to confess to a murder that never occurred.

We in turn are astounded at the governor of a state where torture confessions are the rule rather than the exception, to find him so shocked at what has been exposed to view, he is intellectually dishonest and seeks to convey the idea that this is not representative of Mississippi justice.

Here we have the case of a white man who suddenly disappears. As usual in Mississippi Negroes are the first sought when a crime has been committed, so a Sunflower county sheriff, together with a Chicago detective, arrest four Negroes guilty of nothing more than standing in the wrong place when these would-be sleuths start looking about. Being cowed and intimidated from birth by phite people, these Negroes did not talk up as sprightly as they should when arrested, so they are of course guilty. The third, fourth and fifth degree are given them and in terror and agony they confess to a crime which is now exposed as having never happened.

Robert McKinney, the man supposed to be dead, is later discovered well and hearty in East St. Louis, Ill., and after publishing the confessions of four Negroes and commending these white officers for their ability in apprehending criminals, of course Governor Fieldiing Wright's face is red. We suspect, in order to rid the popular wave of race hate, the governor had also issued a public statement which is now embarrassing. In fact we suspect he now condemns what has been exposed as a sort of personal facesaving expedient.

God on His throne will perhaps be the only one who will ever know the thousands of black men and women who have been tortured into false confessions in Mississippi and the Southland. When the black man was the property of some plantation owner down South, prior to the civil war, it was difficult to get a black man hanged and still more difficult for any poor white to prove that the slave had mistreated him. That was in the days when to kill a black man meant some rich white lost something like $2500 or $3000. Not until the equity in the black man's physical frame was transferred to the black man did mobs and other forms of legal disposing of black citizens develop.

Mississippi is not the only state that wears this blame. Right here in Oklahoma. W. D. Lyons, a Negro, is in the penitentiary, when at this moment there are not a half dozen people in McCurtain county, including the parents of the whites killed, who believe that Lyons killed the folk he is charged with murdering. The state and county officials clubbed and beat one Negro who would not confess. Then later they grabbed Lyons, who after extended torture confessed both in the jail at Hugo and later at McAlester that he committed this crime.

What happens daily in Mississippi and ocasionally in Oklahoma, has been happening all over the Southland for more than eighty years. We have not gotten to the place down in Dixie that we can accept a black man's word against that of a white. Why shades of Scottsboro! Governor Fielding Wright should take some time out and read Hodding Carter's "Winds of Fear" and he could identify through "Caney Dodd" the typical law enforcement officer as pictured by Carter, as representative of practically all of the sheriffs and constables in Mississippi. Hodding Carter lives in Mississippi and he ought to know. Carter tells his readers in this interesting novel that sheriffs in Mississippi are selected by white people based solely upon their viciousness towards Negroes, and irrespective of their otherwise unfitness.

The exposure down in Mississippi should, however, be assessed for its real value and the social trend in which people have begun to think down that way. Ten years ago it would not have been necessary for Governor Fieldiing Wright to resign and back up on representative southern policy, but the fact he does back up in the open means he does so at the command of a type of social morality that is rapidly growing down in that section.

Justice will never come to the blacks down in Dixie until the day the South is willing to accept the word of a black man against a white and the day when torture is abandoned as a facility by which Negroes can be derailed from the truth and forced to confess, just as white Americans have been recently forced to confess in Communist-dominated European countries to things having no basis in fact. Our experiences in Europe have recently proved that forced confessions are not something incident to color, and that when you torture a white man sufficiently he will react to agony and human misery just as do black men in the lower reaches of Mississippi.

Bares Brutality By Cops, Gets New Trial

JACKSON, Miss. — A graphic description of brutal police tactics used to get a "confesion," won for Charlie Holmes a new trial on a charge of murdering a white man in Belzoni in November 1949.

Holmes had been convicted of slaying L. B. Trawwcelland faced execution until the Mississippi Supreme Court heard his story and reversed the conviction.

Justice John Kyle based his ruling on his opinion that the "confession" should never have been admitted as evidence in the original trial.

Repeats Testimony

Repeating his testimony in the first hearing, Holmes told the Supreme court how the police beat the "confession" out of him.

"They punched me and held my head and hit me and I near about lost my breath," he said. "That went on about an hour. One of the deputies 'put me on the horse.' When I got up off the floor, what I answered I don't know.

When I came to, they said, 'we got your confession'. Then they put me in a hole, a padded cell."

Other brutalities

Holmes described further brutalities:

"A day or two later they had that pipe. They said, 'do you know what your statement is? What ever we put in it is true. We are going to put you back on the horse'.

"I said, "what ever you say is true. I don't want to go back on that horse' ".

When a prisoner is "put on the horse," his feet and hands are tied together and he is hung from a pole or rod by his feet and hands.

Charles R. Underwood was seized in nearby Cleveland, Miss., Wednesday night at the request of Chicago authorities, according to Cleveland Police Chief W. C. Dempsey.

Underwood and Deputy Homer Sheffield were named by Sunflower County Sheriff George Marshall as the men who beat four Negroes until they "confessed" a slaying that never occurred.

District Attorney Stanny Sanders said evidence against the two would be placed before a grand jury in September. An FBI agent from Memphis, Tenn., also is investigating the charges and will report to the Justice Department in Washington.

In Jackson, Gov. Fielding Wright said the state will assist the investigation "in any way desired." He said if developments prove to be as published "these men are guilty of an unwarranted an inexcusable crime and should be severely punished. We do not approve of brutality in any case. . . even if persons accused of a crime are guilty."

The Negroes were picked up for questioning in connection with the reported killing of another Negro, 17-year-old Robert McKinney, who later turned up alive in east St. Louis, Ill.

The four are Jesse James, Jr., and Amos Redmond, both field hands, Jesse Davis, a service station employe and Will Galloway, a cab driver.

Chief Dempsey said Underwood, who has maintained an office in Cleveland for about three months, told him he had "been looking for" his arrest since he was mentioned in the Indianola case. Dempsey said Underwood said there "wasn't anything to" the Chicago affair and he would "be back in a few days."

Sheriff Marshall, who said he hired Underwood to assist his deputy in the investigation because "I was busy with other matters," said the two men applied "a small amount of heat" to the Negroes to obtain the confessions. He said they probably used a strap.

Underwood, who has a tattooed dagger on one arm and a curvesome girl on the other, denied using a strap on the Negroes. "We used applied psychology but we definitely did not use a strap on those boys," he said.

Detective in State Negro Beating Case Wanted in Chicago

INDIANOLA — (ANP) — A tatooed private detective, accused in the whipping of four Negroes to obtain confessions to a crime that was never committed, awaited return to Chicago Thursday as a probation violator.

An Outrage To Justice

Four Negroes in Sunflower County, Miss., claim that they were arrested by county law enforcement officers and beaten until they confessed to a murder which had not even been committed. The "victim" they were accused of slaying had simply moved away. If their story is true, and there is no reason to believe it is not, justice has been grossly outraged.

Incidents such as this are a reflection on an entire area as well as upon the state in which they occur. They bring all law enforcement into disrepute and make the application of honest justice even more difficult. Too, they are just the sort of thing on which communist propaganda feeds.

We hope that Governor Wright will take such steps as are necessary to bring those responsible for the Sunflower lawlessness to that strict accounting which will deprive them of any right to further act as agents of the law and justice.

Extradite Cop Who Beat Innocent Boys

CLEVELAND, Miss. (ANP)—Charles Underwood, white, alleged private investigator, who recently beat three Negroes into confessing to a murder that didn't happen, is headed for more trouble.

Underwood was extradited last week to Illinois where he will face charges of violating probation in connection with an armed robbery case.

A Sunflower county (Miss.), County sheriff had hired Underwood to investigate a reported killing. Three innocent colored men, later freed when the "victim" was found alive and well, accused Underwood of brutal beatings. Illinois authorities learned of his whereabouts when his name was published in connection with these beatings.

Underwood in 1947, along with two companions, was indicted for armed robbery of an employe of the Pepsi-Cola Co., of Chicago. He contends that when he pleaded guilty he was placed on a three-year probation which expired in 1950.

Fire Cop Who Beat 3 Innocent Youths

The Indianola, Miss., deputy sheriff, alleged to have been one of those law enforcement officers who beat three youths for their part in a mythical murder, was fired as of Aug. 1 it was learned this week.

Sheriff George Smith Marshall of Sunflower County said he has ordered Homer Sheffield to complete his business by Aug. 1 after which he will be relieved of his post in the sheriff's office. He said the action was being taken as punishment for Sheffied's part in the beating given three youths who confessed to the murder of another youth found later in East St. Louis quite alive.

Robert McKinney, the alleged murdered youth, is living with his aunt, Mrs. Amanda Covington, 1419 Central Ave. East St. Louis, Ill.

Charles R. Underwood, a private detective and reported as the second man involved in the beating, has been jailed for violating parole in Chicago.

WHITE SCORES TACTICS

NEW YORK — "Nothing so completely exposes the unlawful methods of southern justice as the 'confessions' extorted by law enforcement officers from three Negro men in Indianola, Miss., for a crime that was never committed," Walter White, executive secretary of the National Association for the Advancement of Colored said this week in denouncing the actions of Sheriff George Marshall and his deputies.

"The Association has long contended that the regular practice of many law enforcement officers is to beat 'confessions' out of innocent Negro victims. The Indianola assault is an irrefutable demonstration of the wickedness and viciousness of this practice which has been condemned by the Supreme Court. The NAACP is requesting the Department of Justice to make a thorough investigation of this incident and to take proper action to punish the offending officers."

Parole Violator In Negro Beatings Loses Extradition

Governor Fielding L. Wright Tuesday morning approved extradition to Illinois of Charles R. Underwood, "private investigator" allegedly connected with the "confession-beating" of four Sunflower Negroes.

Underwood, who is wanted for parole violation in connection with an armed robbery case in Chicago, Ill., has filed a petition with the Bolivar Chancery court for a writ of habeas corpus.

He is being held in the Bolivar county jail in Cleveland.

Chancellor R. E. Jackson will hear the petition, though a day has not been set for it.

Underwood contends in his writ that he is being held without authority of law.

He contends that upon entering a plea of "guilty" to the grand jury indictment on armed robbery in 1947 he was placed on a three-year probation and that that probation expired in December, 1950.

Underwood was taken into custody at request of Illinois authorities after his name was widely published in connection with the "confession beating."

Sunflower County Sheriff Marshall had hired Underwood to investigate a reported killing.

Four Negroes, later freed when the "victim" was found alive and well, accused Underwood and Deputy Homer Sheffield of brutal beatings.

Sheffield has been dismissed.

Underwood in 1947 was indicted for armed robbery of an employe of the Pepsi-Cola company of Chicago. He and two companions were charged with assaulting the employe, robbing him of $1700 in cash and about $2000 in checks and money orders belonging to the company.

Underwood at first pleaded "not guilty", and later changed his plea to "guilty."

Gets Confession From Three In Non-Existent Murder Case

JESSE DAVIS JR.

INDIANOLA, Miss. — (Special) — LAW, ORDER, AND JUSTICE, having already been made a mockery of in the Willie McGee case at Laura, the Stuart-Bevell rape-kidnap case at Vicksburg, and in a number of other less sensational but equally flagrant cases went to pieces again in Mississippi — this time at Indianola, the thriving county seat of Sunflower County.

Shown in accompanying pictures are two of the principals involved in the fictitious murder case at Indianola. Charles Underwood, private detective with Deputy Sheriff Sheffield has been charged with extorting by brutal, third degree tactics confession from three Negroes for a murder that was never committed. The supposed murder man (right) is Robert McKinney who sent work back to Indianola, his home from East St. Louis, Ill., where he had gone to visit an aunt that he was very much alive.

In the meantime, Detective Underwood has been revealed as the man wanted by Chicago police authorities for violating probation in connection with his conviction on charge of armed robbery in Cook County, Illinois. Mississippi authorities, while holding Underwood for Chicago police officials, are still trying to account for the brutality used by Sheriff's Deputy in forcing confession from Jesse Davis, 34, C. Redmond, 19, and Jesse James, Jr., 29 for a murder that was never committed. Just to speed the case toward some semblance of justice according to a prescribed standard, the Federal Bureau of Investigation has likewise taken a hand. Governor Wright said that he would give full cooperation.

AMOS C. REDMOND

ROBERY MCKINNEY
Surprised to hear about his murder

Methods of slave days were used in Indianola, Miss., when four persons were beaten severely in order to secure confessions to a non-existent murder.

Because they were with young Robert McKinney the night of his disappearance, from left to right: Jesse Davis, 34; Amos C. Redmond, 19; and Jesse James, Jr., 29 were strapped by Deputy Sheriff Sheffield and Private Detective Underwood.

Another, Willie Galloway, cab driver, was beaten so severely, he had to remain in the county hospital. All men were treated for their injuries.

Davis, a repairman at a filling station is able to work, but is mum about the beating.

Redmond, who works on a plantation, stands up since it is painful for him to sit as a result of being kicked. James also stands up as he attempts to operate a chemical sprayer.

All decided to confess after being convinced it would be the best thing.

JESSE JAMES, JR.

Sunflower Sheriff Draws Reprimand Of Grand Jury In Beating Of Negroes

INDIANOLA — (AP) — The Sunflower county grand jury has reprimanded Sheriff George Marshall for being "derelict in his duties" in connection with the "confession beating of four Negroes here recently.

The jury said that if any misconduct took place "the sheriff, although not criminally responsible, has done a great disservice to the people of his county."

The report of the jury called Marshall "derelict" in his duties for not personally supervising an investigation into a reported slaying which led to the beatings.

It was not known if any indictments were returned in connection with the beatings as names of those indicted on various charges were not released.

The grand jury investigation came after four Negroes charged they were beaten in an effort to make them confess to the slaying of another Negro who later turned up alive.

Three of the Negroes, Amos Redmond, Jesse James, Jr., and Jesse Davis, signed confessions to the supposed "slaying." The fourth Negro, Willie Galloway, refused to sign a confession.

Named by the Negroes in connection with the beatings were Deputy Sheriff Homer Sheffield and private investigator C. R. Underwood of Cleveland, Miss.

Sheffield was fired by Marshall while Underwood was extradited to Chicago where authorities said he was wanted on a parole violation charge.

Wounded Marshal Kills Negro In Gunfight

JONESTOWN, MISS., Dec. 26 —(AP)—A Negro was killed and Marshal Wilbur Butler seriously wounded Wednesday in a blazing gunfight on a downtown street here.

Sheriff Greek P. Rice said J. B. Brighton, 49, opened fire on Butler when he arrived at a cafe to stop a fistfight. The marshal was wounded in the side and hand.

Butler was listed as in fair condition at a hospital in Clarksdale, about 18 miles to the south. Brighton was killed instantly when struck by two bullets.

MARSHAL KILLS NEGRO IN STREET GUN BATTLE

Officer Wilbur Butler Of Jonestown Is Wounded

Special to The Commercial Appeal

CLARKSDALE, Miss., Dec. 26.— J. B. Brighton, 49-year-old Negro, was shot to death early Wednesday on the streets of Jonestown by Marshal Wilbur Butler, after the officer had been twice wounded by Brighton.

Sheriff Greek P. Rice said Marshal Butler had been called to quell a fight involving James Green and Eddie C. Jones at a Negro cafe. When the officer arrived, one Negro had left and the other was in a parked car in front of the restaurant with Brighton.

Brighton reportedly opened fire on the officer with a .32 automatic. Marshal Butler dodged behind the automobile. Brighton is alleged to have pursued him and fired, wounding the marshal in the side and left hand.

Marshal Butler fired twice, killing Brighton instantly. Sheriff Rice said witnesses told him Brighton had just drunk a pint of liquor.

Green and Jones were arrested and are in Coahoma Jail.

Marshal Butler is in a hospital in Clarksdale. He is expected to recover.

Minister Asks Probe Of Alleged Brutality Of Man By Local Police

A charge of a severe beating while in custody of the St. Louis Police Department has been made by the Rev. E. Williams on behalf of one of his parishioners this week.

The charge was made to Major Brostron, Inspector of Police, in behalf of Cal G. Alexander, 39 years old, of 3810a Finney avenue.

In a letter to Major Brostron, the Rev. Mr. Williams said that according to statements from Alexander, he (Alexander) was beaten "unmercifully" while in the custody at Central Police District, 12th and Clark avenue.

Rev. Williams said Alexander had informed him that he was arrested on suspicion on July 13, and was held until July 18.

The pastor of the New Hope Baptist church, 4029 Aldine avenue, enclosed the statement of Dr. J. H. Walton, of 536 N. Taylor avenue.

Dr. Walton's statement, addressed to whom it may concern, said:

"Cal G. Alexander, a waiter, was first visited on July 18, 1951. Patient stated he was a prisoner at the City Jail on suspicion and sustained his injuries there. I found the following injuries: right eye contused and closed from swelling. Inflamed and swollen left jaw. Upper part of abdomen swollen and contused four and one-half by ten just below short ribs and extensive bruises middle of back. Right buttock was contused. Right and left legs had multiple abrasions and contusions.

"On July 25, 1951, x-ray examination of left inferior maxillary bone disclosed fracture in two places.

"Treatment: Fixation of jaw and ribs. Rest in bed. Medication for pain and fever. Temperature 102½ on first visit. Present temperature 101. Feeding soft diet through tube."

Rev. Williams pointed out to Major Brostron, he was "sure the law will not tolerate brutal treatment of prisoners."

REV. E. WILLIAMS, pastor of New Home Baptist church, is shown here with Cal G. Alexander of 3810a Finney Ave. Alexander told Rev. Williams he sustained serious injuries while in custody of the St. Louis Police Department. The minister has asked that an investigation be made.

'Let's Have Truth,' Freeholder Pleads

'Suspend Officer Until Probe Is Made,' Teacher Suggests

By HELEN J. LEE

TRENTON — Eleven prominent leaders, five white, six colored, discussed the murder of Robert Kelly and the assault on his mother Aug. 20 with the New Jersey AFRO- AMERICAN last week.

Ten were in agreement that a thorough investigation should be conducted on an impartial basis to determine the truth of what happened and punish the officer or officers guilty of violating the Kellys' civil rights.

One asked, "Why has the Trenton Civil Rights Commission not acted?"

The executive secretary of the Council on Human Relations refused to comment until he could "check" with the president.

What Leaders Think

Here are the leaders' statements:

The Rev. Fr. Alexander J. Leedie, pastor, Our Lady of the Divine Shepherd Church, 42 Pennington Ave.:

"Allegations of brutality against the Trenton Police Department have been brought to my attention on several occasions during the past three years.

"A thorough investigation of the Police Department should be made to determine the truth or falsity of these allegations.

"The recent shooting of a man and the alleged brutal beating of his mother has added to the fire of resentment on the part of many residents concerning alleged local police brutality.

Churchman Critical

The Rev. J. Courtney Hayward, white, president, Trenton Council of Churches:

"Why has the Trenton Civil Rights Commission not acted?" I feel that such groups should consider matters of this sort. These groups seem to me to be but a political mirage.

"Some of them, to the best of my knowledge, have not even met."

Freeholder Wants Truth

John E. Curry, white, member, Mercer County Board of Freeholders:

"As a member of the Trenton NAACP, I am fully in accord with every action they make, and I feel an investigation into the Kelly shooting should very definitely be made.

"I feel that the truth should be ascertained as to whether the proper procedures were taken to protect the rights of the persons involved in the incident.

Must Protect Minorities

Reuben Jones, executive board member, New Jersey Committee for Peaceful Alternatives, teacher, Junior High School No. 2:

"Just plain common sense demands that we unshakeably establish the rights of minorities in order to protect ourselves at such times when we are the minority.

"This we must do if we are not to become a nation of 'yes' men."

Mrs. Bernice J. Munce, member, Trenton Civil Rights Commission, and teacher at Junior High School No. 3:

"Robert Kelly's slaying points up weaknesses in the moral fibre of America and America's lack of moral integrity to lead the world in the democratic crusade.

"The slaying of Robert Kelly demands the dismissal of the policemen involved pending a thorough investigation, followed by a true course of justice.

Needs Advice to Speak

Mrs. J. C. Merrill, white, executive secretary, Trenton Council On Human Relations:

"I feel that I should check with Crawford Jamieson, president of the Council first, before making any statement. I really wish I could make a statement to the AFRO."

A Cancerous Growth

Ruth Rabstein, attorney, white, active in legal assistance for minority groups:

"I agree that the investigation called for by the NAACP would be a healthy thing. It would help to correct a situation which has existed in Trenton for several years and which is like a cancerous growth.

Police Probe Needed

Charles Williams, member of the board, Annandale Reformatory School, recently appointed by Governor Driscoll:

"I sincerely feel that a definite investigation on an impartial basis should be made. "The evidence we have over a period of years proves that the treatment given colored people by the Trenton police is not just.

"The police department, along with other departments, definitely needs an investigation which will bring about a better understanding among all groups than we have had previously."

Lawyer Wants Action

George Warren, president, Young Men's Hebrew Association board, a lawyer who has taken daily newspapers to task for imflamatory editorials concerning minority groups:

"I very much favor a thorough investigation of the Kelly incident."

Should Try Guilty

Dr. P.J . Hill, principal, Junior High School No. 5:

"I think an impartial commission should be named to investigate Kelly's death, and on the basis of their findings steps should be taken to prosecute those who are guilty of law violation. I feel very strongly on this point."

Optician's Views

Dr. E. C. Nurock, prominent white optician, 162 West State St.:

"Something must be done to prevent other incidents from happening. Unquestionably, the situation in Trenton needs some careful investigation.

"It's important that all community-minded citizens should do everything possible to relieve the obvious tension which now exists. Minority groups must be given all the rights and privileges of free citizens."

Carl J. Leftwich, president, Trenton NAACP:

"This has been an eventful year in the history of our Branch. We will continue our relentless campaign to achieve full recognition for all citizens of Trenton regardless of race, creed or national origin."

Face Charges, Witnesses Talk

Law On Testimony Remains Untested

BALTIMORE

The Maryland law which compels a witness to give State's evidence in a lottery case, remained untested, this week, as five persons who had challenged it, changed their minds and testified.

The five had been threatened with contempt of court after they refused, last Friday, to answer questions put by the grand jury in its numbers investigation against Austin Scarlett.

Haled into Court

Haled before Judge E. Paul Mason on Monday morning, they asked for an opportunity to consult counsel, and the following day their attorneys asserted that the compellable witness law would be contested.

On Wednesday morning, however, the attorneys, Palmer Ingram and Ellis Levin, confessed to Judge Mason that they had found little law to support their constitutional challenge of the State statute, and had advised the witnesses to answer the grand jury's questions.

The witnesses include Roger Wilkes, 22, of 930 Stoddard Ct.; Miss Gloria Wilkes, 26, of 604 N. Arlington Ave.; Franklin Lassiter Jr., 19, of 702 N. Arlington Ave.; Richard Lyones, 44, of 1800 N. Monroe St.; and Anthony Parraway, 20, of 1209 W. Lanvale St.

Charge Seen as Serious

Judge Mason told them after they had gone back before the jury and testified, that he hopes other witnesses called by the jury "will answer questions without fear or favor of any person."

He told them that the contempt citations could have been a "very serious matter," and that he was allowing them to go without punishment simply because they had decided to co-operate. Punishment for contempt is left solely with the judge.

The Maryland statute, under Article 27, Section 420, provides that where immunity from prosecution is offered, a witness is compelled to testify in a lottery case. It was said that in the cases of the five witnesses, Friday, each had been offered immunity, and yet had refused to talk.

Adams Case May Test Law

When the callenge of the immunity law was withdrawn, however, courthouse veterans foresaw an opportunity for it yet to be tested when Mr. Scarlett and William (Little Willie) Adams are brought to trial on numbers conspiracy charges.

Mr. Adams, real estate and business man, has been indicted jointly with Walter Rouse on the conspiracy charge.

Mr. Scarlett, operator of a country club and farm in Westminster, is indicted jointly with Harry Gross, South Baltimore man arrested on a numbers charge two weeks ago; and Horace Cann, prisoner, serving 6 months at the House of Correction for numbers, and who testified before the grand jury last week.

Counsel Could Raise Issue

It was speculated that counsel for these men might challenge the legality of the conspiracy indictments which were returned after the immunity law had been used to obtain testimony from a number of witnesse summoned by the grand jury during the gambling investigation.

The jury on Monday, turned its attention to the white population for the third phase of the probe.

Those called included Arnold Lolli, prisoner at the House of Correction; his wife, Mrs. Anna Lolli; Frank B. Russo of Sweet Air, Md.; and H. L. Frankel, attorney. It was indicated that more would be called for questioning this week and next. The current grand jury's term of service ends next Friday, Sept. 7.

The immunity law dates back to 1937 when it was enacted by the State Legislature at the request of the State's Attorney's office.

A year earlier, 26 policemen, and over 20 civilians including the late Thomas (Tom) Smith, politician, and hotel owner, had been freed on gambling conspiracy charges for lack of State's evidence.

Jury Not Likely to Recall Mrs. Butler

State's Attorney Anselm Sodaro said Thursday that Mrs. Beatrice Butler, school teacher wife of Detective James H. Butler, was "ill in Massachusetts" when she was summoned in the grand jury probe some four weeks ago.

He added that he could not say whether or not Mrs. Butler will be summoned now at all. The State's Attorney revealed further that he "probably" is through with that phase of the investigation which led them to summons the crack detective and his wife.

Meanwhile, rumors on Thursday were that the grand jury will be unable to obtain from a judge an extension which will allow them to stay in office and complete the current investigation.

Its regular term in office ends next Friday. No such extension ever has been granted before.

Exhibit 'B' in Police Slaying of Robert Kelly

This is Exhibit 'B' for NAACP lawyers in the case of Robert Kelly who was slain by a Trenton policeman Aug. 19 when he, two other brothers, and four friends pleaded with the officer not to beat their mother, Mrs. Cora Kelly, who is shown here as she lies bandaged in a bed in Mercer County Hospital. Exhibit 'A' can't be shown — it is the bullet-ridden body of Robert which was buried last week. Yesterday it was Mrs. Kelly and her son; tomorrow it may be your mother and you who will be felled by a policeman's bullet and club. Make sure it doesn't happen to anyone else by supporting the NAACP in its fight to stop police brutality in Trenton and other communities.

Veteran's Death Blamed on Police

JERSEY CITY — The local branch of the NAACP at a meeting of its executive board Monday night appointed a committee to investigate the death of a World War II veteran who is alleged to have been the victim of police brutality.

The probe was ordered as a result of the death of George Parker Jr., 23, son of Mr. and Mrs. Parker Sr. of 107 Oak St. Parker died last Friday at Medical Center, two days after being admitted. He had been in police custody since April 2.

The office of the Hudson County medical physician, Arthur Haskin, told the AFRO Tuesday that the death was due to "intra-cranial hemorrhage following a fracture of the skull."

Evidence of Brutality

The Rev. Ercell Webb, president of the Jersey City NAACP said investigation is being headed by W. Singleton, vice president of the organization.

"There appears to be evidence of police brutality in connection with Parker's death," the Rev Webb said. "We want to be sure."

At the same time, the Rev Webb revealed that he has requested a meeting with the county prosecutor to ask official investigation of a number of other charges of police brutality.

Fred Martin, Jersey City businessman and assembly candidate of the anti-Kenny Republican ticket, said:

"There is no question about it, police brutality is on the upswing here. He said circumstances surrounding Parker's death proved the need of steps to stop police manhandling prisoners."

Charged With Burglary

Parker was arrested on charges of breaking and entering the Homestead Tavern.

The ex-soldier was transferred from City Prison to the hospital after police alleged that he suffered an epileptic fit. Both Mrs. Mary Davis, an aunt, and Mrs. Hortense Davis, a sister who is a trained nurse, denied that Parker ever suffered from epileptic fits.

Funeral services were held at 1 p.m. Tuesday from the Murray Funeral Home, 748 Ocean Avenue. The Rev. J. T. Kearney officiated. Interment was in Arlington Cemetery.

In addition to his parents, Parker is survived by Mrs. Mary Davis, aunt; Miss Lisa Parker and Mrs. Cortez Davis, sisters.

Sentencing Friday

In connection with the charge of police brutality, William E. Hartzog, 23, of 356 Forest St., was due to be sentenced Friday, April 13 for allegedly breaking into the museum at 491 Bergen St and stealing a number of carved figures.

At his trial held last Tuesday, Hartzog denied the alleged theft. He said he signed a confession saying that he took the figures only because he was beaten by police.

At the trial when Assistant Prosecutor Isidore Dworkin called upon Detective Vincent J. McNamara, 41, of 304 Webster Ave. as a witness to refute the charge of police brutality, the officer ripped off his badge, threw it on the judge's desk and shouted, "I quit." Then, brushing his hands, he got off the witness stand and stalked out of court.

The Assistant Prosecutor later said he thought the Detective resented being called to refute the brutality charges.

POLICE KILLING STIRS CITIZENS

Report Victim's Mother Is Beaten By Policeman

TRENTON, N. J. — Police Magistrate Albert Cooper, Jr., refused Thursday to entertain a manslaughter complaint against a Trenton policeman in connection with the fatal shooting of a man he had arrested here early Sunday last.

The victim, Robert "Bobby" Kelly, 26, of 21 Prospect Village, was shot in the thigh by Patrolman Ernest Kuti during a street disturbance at Reservoir and Wilson Streets, and died a short time later.

The police also arrested six others, including the victim's mother, Mrs. Cora Lee Kelly, 48, on disorderly conduct charges.

HEARING POSTPONED

The hearing, scheduled to be held Thursday, was postponed until September 12, after George Pellettieri, counsel for Mrs. Kelly announced that she was "in no condition to make a court appearance."

Mr. Pellettieri said her condition resulted from an "unmerciful beating" administered by the police. He asked that all officers who took part in the beating be held on charges of atrocious assault and battery.

NAACP ENTERS CASE

Clifford W. Moore, attorney for the National Association for the Advancement of Colored People had previously asked the court to accept a complaint charging Patrolman Kuti with manslaughter.

Magistrate Cooper denied both requests, declaring that the Mercer County Grand Jury might investigate the case. Mr. Pellettieri, who said his client still was suffering from the treatment he said she received at the hands of the police, insisted there should be a more positive assurance of an investigation. Magistrate Cooper replied he felt the Mercer County prosecutor, Mario H. Volpe, would cooperate. Mr. Volpe was not available for comment Thursday.

Attorney Moore said the entire matter has already been turned over to Federal authorities and that the state will also be asked to investigate the Trenton Police Department. Mr. Moore has termed the killing a "deliberate murder."

Patrolman Kuti has reported that the victim turned on him with a knife, contending that he fired a shot in self-defense.

Among the six arrested were two other sons of Mrs. Kelly, Charles and Fred.

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Trenton Citizens Take Action in Police Killing of Wrong Man; Woman Beaten

Trenton.—Immediate action to bring about justice in the police killing of a 26-year-old Trenton Negro, which has stirred to a new pitch the city whose police methods were vigorously indicted in the recent Trenton Six case, was planned last night, with overwhelming public support, by the National Association for the Advancement of Colored People.

At a packed mass meeting at the Shiloh Baptist Church on Calhoun Street, the police murder of Robert Kelly was described by eyewitnesses and a plan for action was outlined by Dr. Ulysses S. Wiggins, president of the New Jersey State Conference of NAACP Branches, and Robert L. Carter, assistant special counsel in the national office.

Convinced that Mr. Kelly was an innocent victim of police brutality, the NACP plans legal action against the police officers involved in his slaying. In addition to working locally with other organizations and the Mayor and Police Commissioner for the purpose of "cleaning up" the Trenton police department, the Association is also calling upon Governor Alfred E. Driscoll to act in the Kelly case and is taking up with the United States Department of Justice the violation of civil rights in the case.

The incident culminating in the slaying occurred early Sunday morning, August 19th, outside Alfonso's Bar at Wilson and Reservoir Streets, Trenton. The proprietor of the establishment alled police when a customer allegedly became drunk and disorderly and threatened someone with a knife.

Shortly thereafter, Mrs. Cora Lee Kelly drove up in a vehicle driven by Lawrence Williams. Mrs. Kelly's three sons—Charles, Fred, Jr., and Robert—were outside the bar in a car. It was near closing time, and Mr. Williams went in to determine whether the place would be open to more customers. On learning that it would, he went outside and beckoned to Mrs. Kelly.

Wrong Man Arrested

As Mr. Williams was standing on the sidewalk, a police car drove up. An officer emerged and grabbed Mr. Williams, accusing him of being 'the fellow causing the trouble." When Mrs. Kelly protested that he had done nothing, the officer—Ernest Kuti—warned her to be quiet or she too would be arrested. As police took Mr. Williams to the wagon that drove up, Mrs. Kelly Continued to protest and was struck about the head by the policeman.

Witnesses told an NAACP investigator that at this point Mrs. Kelly's sons, who ran up and told the police to stop beating their mother, were grabbed by police and threatened. About eight policemen were on the scene by this time. Robert Kelly, 26, who was beaten by a policeman, began to run away when Kuti fired his revolver into the air. As he ran, he was shot in the back of his leg. He died immediately as a result of the severing of his femoral artery.

Eyewitness Stories Differ from Police

Eyewitnesses told the NAACP that contrary to police reports of "30 or 40 people rioting," only about a dozen people were on the scene at the time of the shooting. The proprietor of the bar also definitely established that the man police arrested was not the man who was causing the disturbance at the time he originally called police. Police at no time entered the bar to determine whether this was the right man.

The city is moving rapidly on the case and has already presented its side to the grand jury for action.